

Mr. Duff
Per
L A W S
OF THE
S T A T E
OF
N E W - Y O R K.

FOURTEENTH SESSION.



NEW-YORK:

PRINTED BY FRANCIS CHILDS AND JOHN SWAINE,
PRINTERS TO THE STATE.
M,DCC,XCI.

ALWAS

OF THE

STATES



NEW-YORK

FOURTEENTH SESSION



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PRINTERS TO THE STATE

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L A W S

O F T H E

S T A T E O F N E W - Y O R K ,

Passed at the First Meeting of the Fourteenth Session of the
Legislature of the said State.

C H A P. I.

An ACT further to continue the Treasurer of this State in Office. Passed 18th January, 1791.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same, That Gerard Bancker shall be, and hereby is continued in office as Treasurer of this State, until sixty days after the rising of the Legislature, at their next meeting after the first Monday in July, which will be in the year of our Lord one thousand seven hundred and ninety-two.

And be it further enacted by the authority aforesaid, That the said Gerard Bancker, if he shall take upon him the execution of the said office, shall, on or before the first day of April next, appear before one of the judges of the supreme court of this State, and take the following oath, viz.

"I, Gerard Bancker, appointed treasurer of this State, do solemnly and sincerely swear and declare, in the presence of Almighty God, that I will, during my continuance therein, well, faithfully, and honestly, to the best of my knowledge and ability, execute the office of treasurer of this State; and that I will not, on any occasion or pretence, apply any money or securities, which shall or may come to my hands, as belonging to this State, to any private uses or purposes whatsoever; and that when my accounts as treasurer shall be examined in manner directed by law, I will exhibit an account of such securities under this my oath of office. So help me God."

And be it further enacted by the authority aforesaid, That the speaker of the Assembly for the time being, shall take a bond from the above named Gerard Bancker, on or before the first day of April next, with not less than four sufficient sureties to the people of this State, in the sum of twenty thousand pounds, lawful money of this State, with a condition that the said Gerard Bancker shall and will, well, faithfully and honestly, execute and perform the duties of the said office; which bond when so taken, shall be lodged in the secretary's office of this State.

And be it further enacted by the authority aforesaid, That if the said Gerard Bancker shall, upon the expiration of the time for which by this act he is continued in office, procure and lodge in the office of the secretary of this State, a certificate duly executed by the committee to be appointed for the settlement of the accounts of the said Gerard Bancker, expressing that his accounts as treasurer are regularly stated and balanced; and also that the balance of monies and securities belonging to the State, if any there be, are actually in the treasury; such certificate when lodged in the office of secretary of the State as aforesaid, shall be, to all intents and purposes a discharge of the bond directed by this act to be given by the treasurer, with sureties for the faithful performance of the duties of his office as aforesaid.

C H A P. II.

An ACT to repeal the Act therein mentioned.

Passed 29th January, 1791.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That the act, entitled, "An act for the relief of widows and orphans of officers and soldiers of the line of this State, and of the militia thereof," passed 17th April, 1784, be, and the same is hereby repealed.

A. D. 1791.
Ind. U. S. XV.

Gerard Bancker continued in office as Treasurer until sixty days after the rising of the Legislature, at their next meeting after the first Monday in July, 1792.

Said Gerard Bancker if he undertakes said office, to take a certain oath.

Form of the oath.

Speaker of the Assembly to take a bond from the Treasurer in the sum of 20,000l. with sureties for the faithful performance of his office.

Said bond to be lodged in the secretary's office.

Treasurer on the expiration of his term of office to procure and lodge in the secretary's office a certain certificate.

which certificate shall be a discharge of said bond.

Act for the relief of the widows and orphans of officers and soldiers, &c. repealed.

A. D. 1791.
Ind. U. S. XV.

C H A P. III.

An ACT to allow Lewis M'Donald to return to, and remain within this State.

Passed 29th January, 1791.

Preamble reciting that Lewis M'Donald has petitioned to return to this State.

Said M'Donald permitted to return and remain unmolested.

WHEREAS it has been represented to the Legislature, by the petition of Lewis M'Donald, that he the said Lewis M'Donald is desirous of having permission to return to this State. Therefore,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That the said Lewis M'Donald is hereby permitted to return to and remain within this State unmolested, any law to the contrary notwithstanding.

K R O W - Y O R K C H A P. IV.

An ACT for apportioning the Representation in the Legislature, according to the rule prescribed by the Constitution, and for dividing the County of Albany. Passed 7th February, 1791.

Preamble reciting that alterations in some of the districts, as well as in the number of representatives are necessary.

Towns of Cambridge and Easton, in Albany county, annexed to Washington county.

Part of Albany county erected into a new county by the name of Rensselaer.

Another part of the county of Albany erected into a new county, by the name of Saratoga.

The residue of Albany county erected into a separate county and to bear its old name.

Bounds of several of the towns in said counties extended.

Proviso securing the rights of the corporation of the city of Albany.

Inhabitants of the aforesaid counties to have the same rights as other counties in this State.

Courts of common pleas and general sessions of the peace in Rensselaer and Saratoga, to be at such places as the judges and justices shall appoint.

There shall be two terms in each of the said counties yearly.

Said terms, when to commence and end in the county of Rensselaer.

Said terms, when to commence and end in the county of Saratoga.

Said courts to have same jurisdiction as similar courts have in other counties.

All prisoners of the counties of Rensselaer and Saratoga may be confined in the gaol of Albany county until gaols are provided.

This act not to affect any suits already, or which may be commenced before a certain day.

WHEREAS by the census of the electors and inhabitants of this State, lately taken by order of the Legislature, it appears that alterations in some of the districts and counties, and in the number of the representatives chosen therein, are necessary to be made. Therefore,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That the towns of Cambridge and Easton, in the county of Albany, shall be and hereby are annexed to, and shall hereafter be considered as part of the county of Washington, and that all that part of the residue of the said county of Albany, which is on the east side of a line drawn through the middle of the main stream of Hudson's river, with such variation as to include the islands lying nearest to the East Bank thereof, shall be one separate and distinct county, and be called and known by the name of Rensselaer. And that all that part of the said county of Albany which is bounded easterly by the west bounds of the said county of Rensselaer and the county of Washington, southerly by the middle of the most northerly branch of the Mohawk river, and the middle of the said river and the town of Schenectady, westerly by the county of Montgomery, and northerly by the county of Washington, shall be one separate and distinct county, and be called and known by the name of Saratoga, and that the residue of the said county of Albany shall continue and remain one separate and distinct county, and be called and known by the name of Albany. And the bounds of the several towns in the said respective counties adjacent to and limited by the Hudson's river and Mohawk river, are hereby extended to and limited by the bounds of the said respective counties herein described: *Provided nevertheless*, That the rights and privileges heretofore granted to the corporation of the city of Albany by charter, shall not be in any wise affected or abridged. And the freeholders and inhabitants of the said several counties, shall have and enjoy within the same respectively, all and every the same rights, powers, and privileges as the freeholders and inhabitants of any other county in this State, are by law entitled to have and enjoy.

And be it further enacted by the authority aforesaid, That there shall be held in and for each of the said counties of Rensselaer and Saratoga respectively a court of common pleas, and a court of general sessions of the peace, at such suitable and convenient place within each of the same counties respectively, as such judges of the court of common pleas, and such justices of the peace as shall be appointed for each of the same counties respectively, or a majority of them shall respectively appoint; and that there shall be two terms of the same courts in each of the same counties respectively, in every year, to commence and end on the following days, that is to say, the first term of the courts of common pleas and general sessions of the peace in and for the said county of Rensselaer, shall begin on the first Tuesday of May, and may continue to be held until the Saturday following inclusive; and the second term of the same courts in the same county of Rensselaer shall begin on the second Tuesday of November, and may continue to be held until the Saturday following inclusive. And the first term of the courts of common pleas and general sessions of the peace in and for the said county of Saratoga shall begin on the second Tuesday of May, and may continue to be held until the Saturday following inclusive; and the second term of the same courts in the same county of Saratoga, shall begin on the third Tuesday of November, and may continue to be held until the Saturday following inclusive. And the said courts of common pleas and general sessions of the peace, shall have the same jurisdiction, powers and authorities in the same counties respectively, as the courts of common pleas and general sessions in the other counties of this State have in their respective counties.

And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for all courts and officers in the said counties of Rensselaer and Saratoga respectively, in all cases civil and criminal, to confine their prisoners in the Gaol of the county of Albany, until Gaols shall be provided in the same counties respectively. *Provided nevertheless*, That nothing in this act contained, shall be construed to affect any suit or action already commenced, or that shall be commenced before the third Tuesday of May next; so as to work a wrong or prejudice to any of the parties therein, or to affect any criminal or other proceedings, on the part of the people of this State; but all such civil and criminal proceedings shall and may be proceeded to trial, judgment and execution, as if this act had never been passed.

And be it further enacted by the authority aforesaid, That this State shall be and is hereby divided; into four great districts: *The Southern District*, to comprehend the city and county of New-York; and the counties of Suffolk, Queens, Kings, Richmond and Westchester: *The Middle District* to comprehend the counties of Dutchess, Ulster and Orange. *The Western District* to comprehend the city and county of Albany; and the counties of Saratoga, Montgomery and Ontario, and the *Eastern District* to comprehend the counties of Columbia, Rensselaer, Washington and Clinton. And that the number of Senators to be chosen in the said Districts, shall be as follows: in the *Southern District* eight; in the *Middle District* six; in the *Western District* five; and in the *Eastern District* five. And that John Williams, Alexander Webster, Edward Savage and Peter Van Nefs, shall be considered as Senators from the said *Eastern District*, and as they respectively go out of office, Senators shall be chosen in the said *Eastern District* in their places respectively, and at the next annual election, another Senator shall be chosen in the said *Eastern District* in the room of Samuel Townsend deceased. And Stephen Van Rensselaer, Peter Schuyler, Volckert P. Douw, Leonard Gansevoort and Jellis Fonda, shall be considered as Senators from the said *Western District*, and as they respectively go out of office, Senators shall be chosen in the said *Western District* in their places respectively. And that no person shall be chosen in the *Southern District*, in the room of the said Samuel Townsend deceased; And the Clerk of the Senate is hereby directed to give notices of the elections accordingly.

A. D. 1791.
Ind. U. S. XV.

State divided into four great districts.
Southern district.
Middle district.
Western district.
Eastern district.

Number of Senators to be chosen in each district, and who are to be the present Senators of the Eastern and Western districts.

The number of members of Assembly to be chosen in each county.

Inhabitants of Clinton county entitled to votes for Assemblymen, to join their votes with those to be given in Washington county.

And be it further enacted by the authority aforesaid, That the number of members of the Assembly, to be chosen in each county of this State, shall be as follows: In the city and county of New-York seven; in Suffolk county four; in Queens county three; in Kings county one; in Richmond county one; in Westchester county five; in Dutchess county seven; in Ulster county five; in Orange county three; in Columbia county six; in the county of Rensselaer five; in the county of Washington four; in the city and county of Albany seven; in the county of Saratoga four; in the county of Montgomery seven; and in the county of Ontario one.

And be it further enacted by the authority aforesaid, That until further Legislative provision be made in the premises, it shall be lawful for the Freeholders and inhabitants of the county of Clinton, entitled to vote for members of Assembly, to join their votes with those to be given in the county of Washington; and the Clerk of the county of Clinton, shall upon receiving the ballots given at any election for members of Assembly, transmit the same to the Clerk of the county of Washington; and the same shall be canvassed and estimated together with and by the same persons, who shall canvass and estimate the votes taken at the same election in the county of Washington.

CHAP. V.

An ACT to amend an act, entitled "An Act for regulating Elections."

Passed 10th February, 1791.

WHEREAS the mode for determining when at any election a senator is to be chosen in the room of one dead or removed from office, which of the persons chosen for senator at such election; is elected in the room of the person deceased or removed from office, prescribed in and by the act entitled "An act for regulating elections," is found to be productive of ill-conveniencies: Therefore,

Preamble reciting that the present mode of determining at elections what person is chosen as a Senator in the room of one dead, is inconvenient.

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That when a senator is to be chosen at any election in the room of one dead or removed from office, it shall not be necessary for any elector to designate on his ballot, who he votes for as senator in the room of the person deceased or removed from office; and it is hereby declared, that the person who has the greatest number of votes for a senator at any election for senators, shall be considered as elected for the longest time, and so on until each vacancy is filled, without regarding any designation, or the order of placing the names of the persons voted for, upon any of the ballots taken at such election.

Ballots no longer to designate who is chosen in the room of a Senator deceased.

But the person having the greatest number of votes to be considered as elected for the longest time.

And be it further enacted by the authority aforesaid, That if in any case two or more ballots or tickets shall be found folded or rolled up together, none of the ballots so folded or rolled up together shall be estimated.

When two ballots are rolled together neither of them to be counted.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the inspectors of any election for governor, lieutenant-governor, representatives to Congress, senators or members of Assembly, to hold the poll at such place or places in any town or city within this state, as to them may appear most convenient for the electors, they inserting in the notices to be given of such election the places where and the times when such elections are to be held.

Inspectors of elections to fix the place and notify the same where elections are to be held.

CHAP. VI.

An ACT to abolish the January Term of the Courts of Common Pleas and General Sessions of the Peace, in and for Richmond County.

Passed 10th February, 1791.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That from and after the fourth Monday of September next, the January term of the courts of common pleas and general sessions

January terms to be abolished.

A. D. 1791.
Ind. U. S. XV.

And the court to be adjourned from the end of September term to the first Monday of May in every year.

Commissioners appointed to make partition of lands to subscribe a notice to a judge or judges as by law required.

And on failure of such judges attendance some other judge may attend to see the balloting made.

Such balloting to be valid.

Sixth section of the act for dividing lands extended.

of the peace in and for Richmond county, shall be and hereby is abolished; and that at the end of the term of the courts of common pleas and general sessions of the peace, to be held in and for Richmond county, on the fourth Monday in September in every year hereafter, or as soon as the due administration of justice will admit in each September term, the said courts shall be adjourned to the first Monday in May then next.

CHAP. VII.

An ACT to amend an Act, entitled "An Act for the Partition of Lands."

Passed 10th February, 1791.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful for commissioners who have been or hereafter shall be appointed by virtue of the act aforesaid, or a major part of them, to make and subscribe a notice in writing to a judge or judges as required in and by the third section thereof; and that on failure of the attendance of such judge or judges so notified, it shall and may be lawful for some other judge or judges, either of the supreme court or court of common pleas for the county where the greatest part of the land lieth, not interested in the division, to see the balloting justly and impartially performed; and that a majority of the commissioners and a judge attending, and performing the balloting aforesaid in manner directed by the said act, shall be as effectual in law, as tho' the judge or judges first notified had attended.

And be it further enacted by the authority aforesaid, That the sixth section of the said act shall be, and hereby is extended as well to improvements made after the passing of the said act, as to improvements theretofore made.

CHAP. VIII.

An ACT to repeal the act, entitled "An Act for regulating sales on Execution so far as respects goods and chattels, and providing for the payment of Advertisements on sales of real Estates."

Passed the 10th February 1791.

BE it enacted by the people of the State of New-York represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That such parts of the act entitled, "An act to regulate sales on execution, as relate to advertisements on sales of goods and chattels shall be, and the same are hereby repealed.

And be it further enacted by the authority aforesaid, That each and every Sheriff in this State, shall be entitled to receive on every sale of lands and tenements made by him in pursuance of the act aforesaid, in addition to his poundage the sum of fifteen shillings as a compensation for advertizing, and to recover the same in like manner with his poundage; And that whenever the execution on which such advertisements are made is settled previous to the day of sale, and after the advertisements have been duly made, the sheriff shall be entitled to receive seven shillings and six pence as a compensation therefor, and to recover the same as aforesaid; Provided nevertheless that no further sum shall be recovered for continuing the advertisement after six weeks.

CHAP. IX.

An ACT for the preservation of heath-hens and other game. Passed the 13th of February 1791.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That if any person or persons shall kill any heath hen within the county of Suffolk or Queens, or shall kill any partridge, quail or woodcock, within the county of Queens or Kings or within the city and county of New-York within the times herein after mentioned; That is to say with respect to heath hens, partridge and quail between the first day of April and the fifth day of October, and with respect to woodcock between the twentieth day of February and the first day of July in any year after the passing of this act (including nevertheless the present year) every such person or persons shall for every such offence forfeit and pay the following sums, that is to say; for every heath hen or partridge so killed, the sum of twenty shillings, and for every quail or woodcock so killed as aforesaid, the sum of five shillings, to be recovered with costs of suit, by any person or persons who shall sue for the same, before any Justice of the peace in either of the said counties, who is hereby authorized and directed to hear and determine the same; the one half of which forfeiture when recovered shall be paid to the person or persons who shall sue for the same, and the other half to the overseers of the poor where the conviction shall be had; And if any heath hen, partridge, quail or woodcock so killed as aforesaid, shall be found in the possession of any person or persons, such person or persons shall be deemed guilty of the offence and suffer the penalty aforesaid.

Provided always, That no person or persons shall be convicted upon this act, unless the suit shall be commenced within three months after the offence committed.

And be it further enacted by the authority aforesaid, That all former acts and laws concerning heath hens, shall be and hereby are repealed.

Any person who kills a heath hen, partridge, quail or woodcock in certain counties between certain days, to pay certain penalties,

To be recovered with costs of suit before a justice of the peace.

The person on whom the heath hen &c. is found, to be considered as the offender.

Provido, suit to be commenced within a certain time.

All former laws relating to heath hens, repealed.

C. H. A. P. X.

A. D. 1791.
Ind. U. S. XV.

An act for dividing the county of Montgomery.

Passed the 16th February 1791.

BE it enacted by the people of the State of New-York represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That all that tract of land in the county of Montgomery, beginning at the eighty-two mile stone, in the line between this State and the Commonwealth of Pennsylvania, and running from thence due north until the north-west corner of the township, number twenty-one in the military tract bears east, then east crossing the Seneca Lake to the Cayuga Lake, then easterly to the north-west corner of township number twenty-three in the military tract aforesaid, then east along the north-bounds of the said township number twenty-three, and the north bounds of the townships number twenty-four and twenty-five, and to continuing the same course to the west bounds of the twenty townships lately laid out for sale by this State, then along the same twenty townships north, to the north-west corner of the township number twelve in the said twenty townships, then east to the Unadilla River, then down the middle of the westerly stream of the same River to its junction with the Susquehannah River, then southerly along the line commonly called the line of property to the Delaware River, then down the Delaware River to the beginning of the said partition line, between this State and the Commonwealth of Pennsylvania, and then along the same partition line to the place of beginning, shall be and hereby is erected into a separate county, and shall be called and known by the name of *Tioga*.

A certain tract of land herein described in the county of Montgomery erected into a separate county by the name of *Tioga*.

And be it further enacted by the authority aforesaid, That all that tract of land to the northward of the said county of *Tioga*, and west of the Seneca Lake and the military lands shall be and is hereby annexed to the county of *Ontario*.

A certain tract of land annexed to *Ontario* county.

And be it further enacted by the authority aforesaid, That all that tract of land in the said county of *Montgomery*, beginning at the southwest corner of the town of *Mohawk*, and running thence westerly to the southeast corner of a tract of land formerly granted to William Cosby, and then westerly along the same and along a tract of land formerly granted to Frederick Morris and a tract of land formerly granted to John Lyne to the southwest corner thereof, then westerly to the northeast corner of a tract of land formerly granted to John Groesbeck, called *Springfield*, then along the north bounds thereof and the same line continued to the town of *German Flatts*, then southerly along the east bounds of the town of *German Flatts* to the southerly bounds of a tract of land formerly granted to Theobald Young, then along the southerly bounds thereof northwesterly to a tract of land formerly granted to William Bayard and others, called the *Free Masons Patent*, then southerly and westerly along the same to the *Unadilla River*, then down the same river and along the said county of *Tioga* to the Delaware river to the county of *Ulster*, and then northerly along the counties of *Ulster* and *Albany* to the place of beginning, shall be and hereby is erected into a separate county, and shall be called and known by the name of *Otsego*.

A certain tract of land herein described in the county of *Montgomery* erected into a separate county by the name of *Otsego*.

And be it further enacted by the authority aforesaid, That all that part of the said county of *Montgomery*, beginning at the southeast corner of the town of *Mohawk*, and running from thence along the southerly bounds thereof and along the northerly bounds of the said county of *Otsego* to the town of *German Flatts*, then northerly along the town of *German Flatts* and the town of *Herkemer*, to a tract of land called *Jersey Field*, then along the same southeasterly and northeasterly to the easterly corner thereof, then due east to the county of *Saratoga*, and then southerly along the counties of *Saratoga* and *Albany* to the place of beginning shall continue and remain a separate county, and be called and known by the name of *Montgomery*.

A certain part of *Montgomery* county to retain its former name.

And be it further enacted by the authority aforesaid, That all that tract of land, bounded westerly by the county of *Ontario*, northerly by the north bounds of this State, easterly by the counties of *Clinton*, *Washington* and *Saratoga*, and southerly by the counties of *Montgomery*, *Otsego* and *Tioga*, shall be and hereby is erected into a separate county, and shall be called and known by the name of *Herkemer*.

A certain tract of land herein described erected into a county by the name of *Herkemer*.

And be it further enacted by the authority aforesaid, That all that part of the town of *Canajoharie* which is included in the said county of *Otsego*, shall be and hereby is erected into a town by the name of *Cherry Valley*; and the first town meeting in the said town of *Cherry Valley* shall be held at the house of Benjamin Griffin.

That part of *Canajoharie* town which is in *Otsego* county to be a separate town by the name of *Cherry Valley*.

And be it further enacted by the authority aforesaid, That all that part of the town of *German Flatts*, which is included in the said county of *Otsego*, shall be and hereby is annexed to the town of *Otsego* in the same county.

Part of *German Flatts* town annexed to *Otsego* town, in *Otsego* county.

And be it further enacted by the authority aforesaid, That all those parts of the towns of *Palatine* and *Caughnawaga*, which are included in the said county of *Herkemer*, shall be and hereby are annexed to the town of *Herkemer* in the same county.

Parts of *Palatine* & *Caughnawaga* towns annexed to *Herkemer* town in *Herkemer* county.

And be it further enacted by the authority aforesaid, That all that part of the said county of *Tioga* laying westward of the *Cayuta Creek* and the township number twenty-two in the *Military Tract* shall be and hereby is erected into a town by the name of *Chemung*; and the first town-meeting in the same town shall be held at the house of *George Hornwell*. And that all that part of the said county of *Tioga* bounded southerly by *Pennsylvania*, westerly by the town of *Chemung* as last limited, northerly by the north bounds of the same county of *Tioga*, and easterly by township number twenty-four in the *Military Tract* and the *Owego River*, and a line running from the mouth thereof, south to the *Pennsylvania* line, shall be and hereby is erected into a town by the name of *Owego*; and the first town-meeting in the same town shall

Tioga county divided into towns and places assigned for the first town meetings.

Chemung town.

Owego town.

A. D. 1794.
Ind. U. S. XVI

Union town.

Jerico town.

Chenango town.

Freeholders and inhabitants of the several towns and the officers by them elected, to have the same privileges as in other towns in this State.

Two terms yearly of a court of common pleas and general sessions of the peace to be held in each of the said counties of Otsego, Tioga and Herkemer.

Time when said terms in said county of Otsego shall commence and end.

Time when said terms in said county of Herkemer shall commence and end.

Time when said terms in said county of Tioga shall commence and end.

Said courts to have same powers and jurisdiction as the like courts have in other counties in this State.

Provido nothing in this act to affect any suit or action already commenced; or any criminal proceedings.

Until further provision shall be made, certain places fixed in said counties for holding said courts.

Freeholders and inhabitants, of said several counties to enjoy the same privileges as the inhabitants of any other counties are entitled to.

Courts and officers in said counties until gaols shall be provided may confine their prisoners in the gaol of Montgomery county.

Court-houses and gaols may be built in said counties at such places as the judges, supervisors &c. may direct.

Reciting that by a late act, apportioning the representation of this State, it is provided that the number of members of Assembly for Montgomery county should be seven.

And that there should be an apportionment thereof among the said new counties.

be held at the house of *Samuel Ransom*. And that all that part of the said county of Tioga, (bounded southerly by Pennsylvania, westerly by the said town of Owego, northerly by the north bounds of the said county of Tioga,) and easterly by the Rivers Chenango and Susquehanna, shall be and hereby is erected into a town by the name of *Union*; and the first town-meeting in the same town shall be held at the house of *Nebemias Spalding*. And that all that part of the said county of Tioga, bounded southerly by the tract of land called Chenango, and the tract of land called Warren, westerly by the said town of Union, northerly by the north bounds of the said county of Tioga, and easterly by the county of Otsego, shall be and hereby is erected into a town by the name of *Jerico*, and the first town-meeting in the same town shall be held at the house of *William Guthrie*, and that all the remaining part of the said county of Tioga, bounded southerly by Pennsylvania, westerly by the said town of Union, northerly by the said town of Jerico, and easterly by the counties of Otsego and Ulster shall be and hereby is erected into a town by the name of *Chenango*; and the first town-meeting in the same town shall be held at the house of *Benjamin Bird*.

And be it further enacted by the authority aforesaid, That the freeholders and inhabitants of the several towns erected by this act, shall be, and hereby are empowered to hold town-meetings, and elect such town-officers as the freeholders and inhabitants of any town in this State may do by law: And that the freeholders and inhabitants of the said several towns, and the town-officers to be by them elected, respectively, shall have the like powers and privileges as the freeholders, inhabitants, and town-officers of any other town in this State.

And be it further enacted by the authority aforesaid, That there shall be held in, and for each of the said counties of Otsego, Tioga, and Herkemer, respectively, a court of common pleas and a court of general sessions of the peace; and that there shall be two terms of the same courts in each of the said counties respectively, in every year, to commence and end as follows, that is to say: The first term of the said courts in the said county of Otsego, shall begin on the third Tuesday of June, and may continue to be held until the Saturday following, inclusive; and the second term of the same courts in the said county of Otsego, shall begin on the second Tuesday of January, and may continue to be held until the Saturday following, inclusive; and that the first term of the said courts in the said county of Herkemer, shall begin on the first Tuesday of June, and may continue to be held until the Saturday following, inclusive; and the second term of the said courts in the said county of Herkemer, shall begin on the third Tuesday of January, and may continue to be held until the Saturday following, inclusive; and that the first term of the said courts in the said county of Tioga, shall begin on the fourth Tuesday of June, and may continue to be held until the Saturday following, inclusive; and the second term of the said courts in the said county of Tioga, shall begin on the fourth Tuesday of January, and may continue to be held until the Saturday following, inclusive: And the said courts of common pleas and general sessions of the peace, shall have the same jurisdiction, powers and authorities, in the same counties respectively, as the courts of common pleas and general sessions of the peace, in the other counties of this State have in their respective counties: *Provided always*, That nothing in this act contained, shall be construed to affect any suit or action already commenced, or that shall be commenced before the first Tuesday of June next; so as to work a wrong or prejudice to any of the parties therein, or to affect any criminal or other proceedings on the part of the people of this State; but all such civil and criminal proceedings shall and may be prosecuted to trial, judgment and execution, as if this act had never been passed.

And be it further enacted by the authority aforesaid, That until other legislative provision be made in the premises, the said courts of common pleas and general sessions of the peace in the county of Tioga, shall be held at the house of *George Hornwell*, in *Chemung*; and that the said courts of common pleas and general sessions of the peace in the said county of Otsego, shall be held at the house of *William Ellison*, in the town of *Otsego*; and that the said courts of common pleas and general sessions of the peace in the said county of Herkemer, shall be held at the church, in the town of *Herkemer*.

And be it further enacted by the authority aforesaid, That the freeholders and inhabitants of the said several counties hereby erected, shall have and enjoy, within the same respectively, all and every the same rights, powers and privileges as the freeholders and inhabitants of any other county in this State, are by law entitled to have and enjoy.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for all courts and officers of the said several counties of Otsego, Tioga, and Herkemer, respectively, in all cases civil and criminal, to confine their prisoners in the gaol of the county of Montgomery, until gaols shall be provided in the same counties respectively.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the freeholders and inhabitants of each of the said counties of Otsego, Tioga and Herkemer, respectively, to build and erect a court-house and gaol in the same respectively, at such place as the judges and justices to be appointed for the same county, and the supervisors of the towns therein, or the major part of the same judges, justices and supervisors may direct and appoint:

And whereas, By the act entitled, "An act for apportioning the representation in the legislature, according to the rule prescribed by the constitution, and for dividing the county of Albany," passed in the present session of the legislature, it is provided that the number of members of the Assembly to be chosen in the then county of Montgomery, should be seven. And whereas, In consequence of the division of the same county, by this act, it is necessary that there should be an apportionment of the said representation among the counties hereby erected: Therefore,

Be it further enacted by the authority aforesaid, That there shall be chosen in the county of Montgomery, as limited by this act, four members of the Assembly, and no more; in the said county of Otsego, one; in the said county of Herkemer, one; and in the said county of Tioga, one; any thing in any former law to the contrary notwithstanding.

And be it further enacted by the authority aforesaid, That it shall not be the duty of the justices of the supreme court, to hold a circuit court once in every year, in either of the said counties of Otsego, Tioga, or Herkemer, unless in their judgment they shall deem it proper and necessary, any law to the contrary notwithstanding.

And be it further enacted by the authority aforesaid, That the said counties of Otsego, Tioga and Herkemer, shall remain and be considered as a part of the Western District of this State.

A. D. 1791.
Ind. U. S. XV.

Said members apportioned accordingly.

Justices not compellable to hold a circuit court yearly in said counties, unless in their opinions it be necessary.

Otsego, Tioga and Herkemer counties to remain a part of the western district.

CHAP. XI.

An ACT for the relief of Henry G. Livingston, and others.

Passed the 21st of February, 1791.

WHEREAS it hath been represented to the Legislature of this State on the part of the executors of Robert G. Livingston, deceased, that the said Robert G. Livingston, deceased, did, on the twenty-first day of June, in the year of our Lord one thousand seven hundred and eighty-five, deposit the sum of three thousand and seventy-six pounds, eight shillings and four pence, in certificates of the United States, commonly called Barber's notes, with the treasurer of this State for the purpose of discharging a certain bond or obligation executed by the said Robert G. Livingston and Samuel Hake, to John Watts, senior, late of the city of New-York, which bond being theretofore assigned by the said John Watts, senior, is now ordered by a decree of the court of chancery of this State, to be discharged by the executors of the said Robert G. Livingston: And whereas justice requires that the said certificates should be restored to the executors of the said Robert G. Livingston, deceased. Therefore,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That the treasurer of this State shall deliver to the executors of the said Robert G. Livingston, or to their order, the said sum of three thousand and seventy-six pounds eight shillings and four pence, so deposited with him as aforesaid in certificates of the United States, issued by William Barber, together with the interest that has accrued thereon from the said twenty-first day of June, in the year of our Lord one thousand seven hundred and eighty-five.

And whereas, Henry Livingston, jun. heretofore one of the commissioners of sequestration for the county of Dutchess, hath lately been prosecuted in the supreme court of this State, in an action of trover and conversion, brought by Joseph S. Mabbet, administrator of the goods and chattels, rights and credits, which were of Samuel Mabbet, deceased, for certain personal property, which did belong to the said Samuel Mabbet, deceased, and was sold by the said Henry Livingston, junior, and another of the said commissioners, in which action, a verdict was given in favor of the said Henry Livingston, junior. And whereas, The said Henry Livingston, junior, was put to considerable expence and trouble in the defence of the said cause, and can have no costs taxed against the said plaintiff therein, and it being reasonable that the legislature should make him compensation.

Be it therefore further enacted by the authority aforesaid, That the treasurer of this State, shall pay to the said Henry Livingston, junior, for his loss of time and trouble in defending the said suit, the sum of fifty pounds, and also such further sum as shall be taxed or certified against the said Henry Livingston, junior, for the costs of the said suit.

And whereas, Herman Hoffman and Egbert Benson by their petition to the Legislature of this State have prayed to be indemnified against the costs and damages which have accrued to them by means of a prosecution and judgment thereupon had against them, in the State of Connecticut by reason of acts done by them as members of the late committee of Rhinebeck.

Be it therefore further enacted by the authority aforesaid, That the treasurer of this State, for the time being, be, and he is hereby authorised and required, out of any monies in the treasury not otherwise appropriated, to pay to the said Herman Hoffman and Egbert Benson, the sum of three hundred and forty-nine pounds and twelve shillings, being the amount of the sum recovered against them, and their costs and expences, as appears by their account; and the treasurer is hereby directed to charge the said sum to the United States.

And whereas, It also appears to the legislature, that the sum of nine hundred and nine pounds, in public securities, hath been paid into the treasury of this State, on the eleventh day of November, one thousand seven hundred and eighty-four, by John Carpenter, of the county of Orange, in discharge of a certain mortgage, given by the said John Carpenter, to James Jauncey, late of the city of New-York: And whereas, The said mortgage hath since been legally discharged by Lucas Elmendorph, junior, by certain public securities, by him paid into the treasury of this State, on the thirtieth day of April, one thousand seven hundred and eighty-seven, amounting to seven hundred and fifty-three pounds: And whereas, justice requires that the aforesaid certificates, so paid as aforesaid by the said John Carpenter, should be restored to him: Therefore,

Be it further enacted by the authority aforesaid, That the treasurer of this State shall deliver to the said John Carpenter, or his order, the aforesaid sum of nine hundred and nine pounds, principal and interest so deposited with him as aforesaid, in public securities as nearly as may be, and in the same proportion as to principal and interest, as the same were deposited with him together with the interest that has accrued thereon from the said eleventh day of November, one thousand seven hundred and eighty-four.

Preamble reciting that Robert G. Livingston deceased, deposited a sum of certificates in the treasury to discharge a certain bond given by him and Samuel Hake to John Watts, sen.

And that the said bond was theretofore assigned, and is now ordered by the court of chancery to be discharged by the executors of said Robert G. Livingston.

The said certificates deposited in the treasury of this State by Robert G. Livingston to be delivered by the treasurer to said Livingston's executors.

Reciting that Henry Livingston, jun. as one of the commissioners of sequestration, was sued by S. Mabbet, and that a verdict was obtained against him,

And that he was put to great trouble and expence in defending said suit.

Treasurer directed to pay him 50l. and the costs certified against him.

Reciting that H. Hoffman and E. Benson have prayed to be indemnified against certain costs accrued to them.

Treasurer to pay them 349l. 12s. the amount of said costs, and the sum recovered against them.

Reciting that John Carpenter paid into the Treasury a certain sum in certificates to discharge a mortgage given by him to James Jauncey.

And that Lucas Elmendorph hath since legally discharged said mortgage by paying a certain sum into the treasury in certificates.

Treasurer to deliver the certificates paid by the said John Carpenter, to himself or order.

A. D. 1791.
Ind. U. S. XV.

C H A P. XII.

An ACT to explain and amend an act, entitled, "An act for the more speedy recovery of debts to the value of ten pounds." Passed the 21st February, 1791.

Reciting that the council of appointment by a certain act, are authorized to appoint justices of the peace, for the city of New-York, who are vested with the like powers, for the trial of causes of the value of ten pounds and under, as justices of the peace in other counties.

Reciting that doubts have arisen whether the aldermen of the city of New-York, are justices of the peace within the meaning of said act.

Aldermen declared not to be justices within the meaning of said act, and after a certain day, to try no more causes by virtue of said act.

Aldermen of the city of Albany after a certain day to try no more causes by virtue of said act.

WHEREAS in and by the twentieth section of the act, entitled, "An act for the more speedy recovery of debts to the value of ten pounds," it is enacted, That it shall and may be lawful for the person administering the government of this State for the time being, by and with the advice and consent of the Council of Appointment, for the time being, by commission under the great seal, from time to time, to constitute and appoint such and so many proper persons, in the city and county of New-York, as they may think necessary, to hear, try, and determine causes in the said city and county, by virtue of the said act, by the name of assistant justices; and each and every of the persons so constituted and appointed, are thereby vested with the like, and the same power and authority in the same city and county, with respect to hearing, trying, and determining causes of the value of ten pounds, and under, as are given to, or vested in the justices of the peace in the several counties of this State, by virtue of the said act.

And whereas, Doubts have arisen, whether the aldermen of the city of New-York, in virtue of their being justices of the peace of the said city of New-York, by the charter of the said city, are justices of the peace, within the meaning and intention of the said act, and have thereby power and authority to hear, try, and determine causes to the value of ten pounds and under, by force of the same: Therefore,

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same, That from, and after the fourteenth day of October next, it shall not be lawful for any person, being an alderman of the said city of New-York, in virtue of his office as an alderman, or as a justice of the peace of the said city, to hear, try, and determine causes to the value of ten pounds and under, by virtue of the said act, entitled "An act for the more speedy recovery of debts to the value of ten pounds."

And be it further enacted by the authority aforesaid, That from and after the eleventh day of October next, no person, being an alderman of the city of Albany, shall hear, try, or determine causes to the value of ten pounds or under, by virtue of the said act, entitled, "An act for the more speedy recovery of debts, to the value of ten pounds."

C H A P. XIII.

An ACT for the relief of the Indians, residing in Brother-Town, and New-Stockbridge.

Passed the 21st of February, 1791.

Male Indians of Brother-town authorized, on the first Tuesday in April in every year to hold a meeting, and choose a clerk, who shall preside at their meetings, and record their proceedings.

And also to choose a marshal to execute the orders of certain trustees to be chosen.

And to choose three persons as trustees as aforesaid, who shall lay out the lands in their town, for the separate use of the several families.

Said trustees to lay out said land for separate improvement and to mark out the bounds thereof.

Every separate improvement so laid out and entered in the clerk's book, shall enable the person holding the same, to maintain an action of trespass against any white person encroaching thereon.

Said trustees, with consent of the mayor of Albany, may lease out any of the undivided lands in said town and apply the rent for the support of a minister and school.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the male Indians, residing in Brother-Town and New-Stockbridge, above the age of twenty-one years, on the first Tuesday in April next, and on the first Tuesday in April, in every year thereafter, to meet together, and by plurality of votes to choose a clerk, whose business it shall be to preside and keep order at the said meetings, and to enter in a book, such of the proceedings of the said meetings, as are by this act directed.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said Indians so assembled, to choose annually, a person to be called a marshal, whose business shall be to execute the orders of the trustees hereafter to be chosen.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said Indians so assembled, to choose annually, three persons as trustees, to lay out such part of the lands in Brother-Town, or New-Stockbridge, for the separate improvement of the several families of Indians residing in Brother-Town, as shall be deemed necessary by the said trustees, so to be chosen.

And be it further enacted by the authority aforesaid, That the said trustees shall lay out for each family, a sufficient quantity of land for a separate improvement, and shall cause the bounds of each improvement to be properly marked and distinguished, and the description thereof to be entered in the clerk's book.

And be it further enacted by the authority aforesaid, That every person having a separate improvement, so laid out to him by the said trustees, and entered in the said clerk's book, the same shall remain to such person and his family for improvement, and shall enable such person to maintain an action for any trespass which may be committed by any white person or persons, on the lands so laid out to him or her for improvement, in any court having cognizance of the same.

And be it further enacted by the authority aforesaid, That the said trustees so to be chosen by and with the consent of the mayor of the city of Albany, for the time being, shall have liberty to lease out to any person or persons, such quantity of the undivided lands in Brother-Town or New-Stockbridge, (and not laid out for improvement as aforesaid,) as a majority of the votes at the said meeting shall agree on, not exceeding six hundred and forty acres, for any term, not exceeding twenty-one years, for the use of the inhabitants of Brother-Town and New-Stockbridge, the rents reserved, to be applied by the said trustees and their successors, for the maintaining a minister and a free-school, for the instruction of Indians, which said leases shall be recorded in the clerk's book.

And be it further enacted by the authority aforesaid, That the said trustees and their successors are hereby authorized and empowered, to bring actions for any trespass, committed by any white person, on any of the undivided lands in Brother-Town or New-Stockbridge, and not laid out for improvement, or leased for the use of a minister and school as aforesaid.

And be it further enacted by the authority aforesaid, That it shall and may be lawful, on complaint of any Indian, against another Indian or Indians, (of a trespass, debt, or other matter or thing, cognizable before a justice of the peace), to them, the said trustees; for the said trustees, by an order, directed to the said marshal, to cause the parties to come before them with their witnesses, at such time and place as they shall appoint, and after hearing the parties and their witnesses, shall give such judgment as to them shall be deemed just and equitable: *Provided,* the judgment in no one cause, shall exceed twenty shillings, and shall enter the same judgment in the clerk's book.

And be it further enacted by the authority aforesaid, That if such judgment shall not be satisfied in forty days after the same is given, the said trustees shall order the said marshal to levy the amount thereof on the goods of the person, against whom the judgment shall be so obtained, to be delivered to the person in whose favour the judgment was given, the said goods first to be appraised by the said trustees, and the overplus (if any), after satisfying such judgment to be returned to the person from whom they were taken.

And be it further enacted by the authority aforesaid, That any two of the said trustees shall be a quorum, to transact any business enjoined on them by this act.

And be it further enacted by the authority aforesaid, That the act, entitled, "An act more effectually to protect certain tribes of Indians residing within this State from frauds," passed 22d March, 1790, be, and the same is hereby extended to the Indians residing in Brother-Town, and the Indians, called the Stockbridge Indians.

AD. 1791.
Ind. U. S. XV.

Trustees may bring an action for trespass on any of the undivided lands in said town.

If a trespass is committed by one Indian on the land of another trustees may cause the parties to come before them, by an order directed to the Marshall, and decide thereon.

And if their judgment is not paid and satisfied in forty days, the Marshall to levy the amount.

Two trustees may form a quorum.

An act to protect certain tribes of Indians extended.

C H A P. XIV.

An ACT to enable the Mayor, Aldermen, and Commonalty of the city of Albany, to raise a Sum of Money, for the establishment and support of a Night Watch.

Passed the 21st of February, 1791

BE it enacted by the people of the State of New-York represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful, for the Mayor, Aldermen and Commonalty of the city of Albany, in common council, as soon as conveniently may be, after the passing of this act, to order the raising the sum of three hundred and fifty pounds, by a tax on the estates real and personal, of all and every the freeholders and inhabitants within the said city, within half a mile of Hudson's river, and on the north side of a west line, drawn from Hudson's river, at the north corner of a tract of land, commonly called the Dutch Church Pasture, to be applied to the payment of so many watchmen, as the said Mayor, Aldermen and Commonalty have employed, or shall think necessary to employ, for guarding the said city, for one year; which said sum shall be rated and assessed, by the assessors of the said city for the time being, and levied and collected in the same manner as hath heretofore been accustomed within the said city, for levying and collecting the tax for maintenance of the poor, and other contingent charges within the said city; and that the tax shall be paid into the hands of the chamberlain of the said city for the time being, to be applied and disposed of from time to time, in such manner and proportions, for the purposes herein before mentioned, as the said Mayor, Aldermen and Commonalty of the said city, in common council, shall direct and appoint.

Corporation of Albany empowered to lay a tax of three hundred and fifty pounds for the support of watchmen.

Said sum how to be assessed and collected.

C H A P. XV.

An ACT to annex the Town of Morristania, to the Town of Westchester.

Passed the 22d of February 1791.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That from and after the passing of this act, all that part of the county of Westchester, commonly known by the name of the town of Morristania, shall be annexed to, and considered as part of the town of Westchester, any law to the contrary notwithstanding.

Provided, That all arrears of taxes that shall be due, and unpaid by the town of Morristania, at the time of passing this act, and all cost that has accrued in consequence of such arrears, shall be assessed on, and collected from the freeholders and inhabitants of that part of the town of Westchester, which, before the passing of this act, was called Morristania.

Town of Morristania annexed to the town of Westchester.

Provido all arrears of taxes due by Morristania, to be paid by Morristania.

C H A P. XVI.

An ACT for the Relief of the Creditors of this State.

Passed the 23d of February, 1791.

WHEREAS the provision for the debts of the respective States, by the Congress of the United States, renders it essential to the interest of this State, that its creditors should subscribe to the loan proposed by Congress, and justice requires, that a full compensation be

Reckoning that it is essential to the creditors of this State, to subscribe to the continental loan.

A. D. 1791.
Ind. U. S. XV.

A recommendation to said creditors to subscribe to such loans.

State to receive from those who do subscribe all certificates bearing interest after the year 1800, and to give them in exchange therefor, certificates bearing an immediate interest of six per cent.

Treasurer to subscribe to the loan of Congress in his own name all the continental paper in the treasury.

When any State creditor subscribing to such loan, produces to the treasurer a certificate bearing an interest after the year 1800 of six per cent, Treasurer to exchange it for the stock he shall hold bearing an immediate interest of six per cent.

Proviso.

Reciting that by a certain act for the forfeiture of estates, certain certificates were issued by the Treasurer, and that it is expedient to take them out of circulation.

Treasurer to receive all such certificates as shall be offered to him, and to give in exchange therefor the stock he may hold, bearing an interest of six per cent.

Treasurer to hold the stock he shall subscribe, and that which may be transferred to him by the creditors of this state, in trust for the state, and from time to time to receive the interest due thereon.

Reciting that some of the state creditors may hold certificates which will not be received on loan by the United States.

Treasurer directed to exchange such certificates for six per cent stock.

made by this State to the said creditors, for any injury they may sustain thereby: Therefore, **Be it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same,** That it be proposed to the creditors of this State to subscribe to the loan proposed by the Congress of the United States by an act of the said Congress, entitled, "An act making provision for the debt of the United States." And it is hereby declared that this State will receive from the said creditors who shall subscribe to the said loan, all certificates bearing an interest of six per cent. after the year eighteen hundred, which the said creditors shall become entitled to by such subscription, and in exchange for the same there shall be paid by this State to the said respective creditors a compensation in stock created under the said act of Congress, bearing an immediate interest of six per cent. to the full amount of the principal sums mentioned in such certificates.

And in order to establish a fund for making the said payments to the subscribing creditors, **Be it further enacted by the authority aforesaid,** That the treasurer of this State shall subscribe to the said loan under the act of Congress aforesaid in his own name, all the continental paper now in the treasury of this State, and deposit the certificates he shall receive for the same from the continental commissioner in the treasury of this State.

And be it further enacted by the authority aforesaid, That when any creditor or creditors of this State who shall subscribe to the said loan, shall produce to the said treasurer any certificate granted by the said commissioner bearing an interest of six per cent. after the year eighteen hundred, and shall assign and transfer the said certificates and the stock mentioned therein to the said treasurer in due form of law, it shall be lawful for the said treasurer, and he is hereby directed, after the first day of January next, to transfer to such creditor or creditors in exchange for the same, so much of the stock he shall hold as treasurer for this State, bearing an immediate interest of six per cent. as shall amount to the principal sums mentioned in such certificates. *Provided always,* That the said treasurer shall make no such transfer until he be satisfied that the certificates so produced by any creditor shall have been received from the said commissioner on loans subscribed in certificates issued by this State.

And whereas, Certain certificates were issued by the treasurer of this State in pursuance of an act, entitled, "An act for the speedy sale of the confiscated and forfeited estates within this State, and for other purposes therein mentioned," bearing an interest of six per cent per annum, and which by the same act are made receivable in payment of all future State taxes equal with gold or silver. **And whereas,** It is not only just but expedient, that all such certificates should be immediately taken out of circulation: Therefore,

Be it further enacted by the authority aforesaid, That the treasurer of this State shall also receive all such certificates issued in pursuance of the said act which shall be offered to him, and in lieu thereof transfer to the bearer thereof a sum equal to the full amount of the money due on the same in the stock created under the aforesaid act of Congress, bearing an immediate interest of six per cent. in full discharge of such last described certificates.

And be it further enacted by the authority aforesaid, That the said treasurer shall hold the stock he shall so subscribe, and all such stock as shall be transferred to him by the creditors of this State as aforesaid in trust for this state, and shall from time to time receive the interest to become due on all such stock as he may hold in trust for this State for the use of this State, and shall also from time to time dispose of, manage and apply the said stock in such manner as the Legislature of this State shall direct.

And whereas, Some of the creditors of this State may be possessed of certificates, which may not be received on loan by the United States; and there may be a greater sum subscribed by the creditors of this State, than the amount of the debts of this State, assumed by the United States; and it being just and reasonable, that all the creditors of this State should have equal, equal justice dispensed to them: Therefore,

Be it further enacted by the authority aforesaid, That every creditor of this State, who may be possessed of any certificates of this State, which being tendered, shall not be received on loan by the United States; or if a sum to a greater amount than one million and two hundred thousand dollars, shall be subscribed on loan by the creditors of this State in certificates issued by this State; then and in either of those cases, the said treasurer of this State is hereby directed, after the first day of January next, to discharge such certificates and surpluses, by a transfer of stock created by the aforesaid act of Congress, so that the State creditors may have a capital or provision, equal to that herein before provided, that is to say, two-thirds of the amount of their demands in stock, bearing an interest of six per cent. and the remaining third in stock, bearing an interest of three per cent.

C H A P. XVII.

An ACT to vest the real and personal Estate of Benjamin French, late of the County of Albany, deceased, in Trustees, for the purposes therein mentioned.

Passed the 23d of February, 1791.

Preamble, reciting that the estate of Benjamin French, is forfeited to the state, and that said French was indebted to several persons,

WHEREAS, all the real and personal estate of Benjamin French, late of the county of Albany, is become forfeited to the people of this State; by the conviction of the said Benjamin French, now deceased: **And whereas,** the said Benjamin French was indebted to Charles M'Evers and sundry other persons, in divers sums of money; and Gulian Verplanck, Daniel C. Verplanck, and William Laight, assignees of the said Charles

M^r Evers, have represented to the Legislature, that there are debts due, and other property, belonging to the estate of the said Benjamin French, which have not been discovered by the commissioners of forfeitures; and prayed that the same may be vested in trustees, to be recovered, and applied to the discharge of the debts owing by the said Benjamin French: There-fore, A. D. 1791.
Ind. U. S. XV.

and that there is yet a part of his property not discovered or sold.

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That all the real and personal estate, debts, and sums of money whatsoever, belonging, due, and owing to the said Benjamin French, at the time to which the forfeiture of his estate refers by his conviction, and not sold or recovered by the commissioners of forfeitures, nor paid into the treasury by the debtors, nor remitted by law; shall be, and hereby are vested in the said Gulian Verplanck; Daniel C. Verplanck, and William Laight, their heirs, executors and administrators, in as full and ample a manner, as the same is now vested in the people of this State; in trust, to sell and convey all such estate, and to prosecute, sue, and recover, in their own names, all such debts and sums of money; and to apply the produce thereof, in the first place, to pay the costs, charges and expences of such sale and recovery, and the residue thereof, towards the payment of such debts, owing by the said Benjamin French, as have been duly proved and certified to the treasurer, conformably to the law in that case provided, in proportion to the amount of the said debts; and if any surplus remains after the payment of such debts, to pay the same to the treasurer of this State.

Said property of said French so undiscovered, vested in Gulian Verplanck, &c. as trustees, to recover, sell & convey the same, and to pay the monies arising therefrom to the creditors.

And be it further enacted by the authority aforesaid, That the treasurer of this State be, and he is hereby directed to deliver to the said Gulian Verplanck, Daniel C. Verplanck and William Laight, a certificate for the amount of their dividend from the forfeited estate of the said Benjamin French.

Treasurer to deliver to Gulian Verplanck, &c. a certificate for the amount of their dividend of said forfeited estate.

C H A P. XVIII.

An ACT for altering the Wards in the City of New-York.

Passed the 28th of February, 1791.

WHEREAS some of the wards in the city of New-York, are large and populous, and others are very small, and the bounds of some of them are difficult, if not impossible to be ascertained, so that alterations therein are become necessary: Therefore,

Reciting that some of the wards in New-York are too large and inconvenient.

Be it enacted by the people of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That from and after the twenty-eighth day of September next, the said city of New-York shall be, and hereby is divided into seven wards, in the manner following, that is to say: *The First Ward* shall begin in the middle of Nassau-street, at the place where it is intersected by the middle of Little Queen-street, and run from the said point of intersection, along the middle of Nassau-street to the middle of Wall-street, and then south-east, to the middle of Broad-street, and then along the middle of Broad-street to the middle of Dock-street, and then easterly, along the middle of Dock-street, to a place opposite to the middle of the street, leading along the east side of the Exchange, and then along the middle of the last mentioned street, to the East River, and then due south, to low water mark on Nassau-Island, and then along Nassau-Island shore at low water mark, unto the south side of the Red-Hook, and then across the North River, so as to include Nutton-Island, Bedlow's-Island, Bucking-Island, and the Oyster-Islands, to low water mark, on the west side of Hudson's river, or so far as the bounds of this State extend there, and so up along the west side of Hudson's River, at low water mark, or along the limits of this State, to a place due west from the middle of the west end of Little Queen street, then due east, to the middle of Little Queen-street, and then along the middle of Little Queen-street, to the place of beginning; and shall be called the first ward.

City of New-York divided into seven wards.

Bounds of the first ward.

The Second Ward, shall begin at the south-easterly corner of the first ward, and run along the easterly bounds thereof, and so continue along the middle of Nassau-street to the middle of Crown-street, and then along the middle of Crown-street to Maiden-Lane, and then along the middle of Maiden-Lane to, and across Queen-street, to the middle of the street on the easterly side of the Fly-Market, and then along the middle of the last mentioned street to the East River, and then continuing the same course across the East River, to low water mark on Nassau-Island, and then along Nassau-Island shore at low water mark, to the place of beginning, and shall be called the second ward.

Bounds of the second ward.

The Third Ward, shall begin at the south-easterly corner of the second ward, and run along the easterly bounds thereof to the middle of Nassau-street, and then along the middle of Nassau-street, to a place opposite to the middle of George-street, and then along the middle of George-street to the middle of Gold-street, and then along the middle of Gold-street to the middle of Ferry-street, and then along the middle of Ferry-street to, and across Queen-street, and along the middle of the street on the east side of Peck-Slip Market, to the East River; and then continuing the same course across the East River, to low water mark on Nassau-Island, and then along Nassau-Island shore at low water mark, to the place of beginning; and shall be called the third ward.

Bounds of the third ward.

The Fourth Ward shall begin at the northerly corner of the third ward, and run along the middle of Nassau-street to a place opposite to the middle of Murray-street and then to and along the middle of Murray-street to Hudson's River, and then continuing the same course across Hudson's River to low water mark on the west side thereof or so far as the bounds of this State extend there and so down along the west side of Hudson's River at low water mark or along

Bounds of the fourth ward.

A. D. 1791.
Ind. U. S. XV.

Bounds of the fifth ward.

Bounds of the sixth ward.

Bounds of the seventh ward.

the limits of this State to the bounds of the first ward and then easterly along the same to the bounds of the second ward, and then northerly along the bounds of the second and third wards to the place of beginning; and shall be called the fourth ward.

The Fifth Ward shall begin at the northerly corner of the third ward, and run along the bounds of the fourth ward and the middle of Chatham-street to a place opposite to the middle of Catharine-street, and then to and along the middle of Catharine-street to the East-River, and then continuing the same course across the East-River to low water mark on Nassau-Island, and then along Nassau-Island shore at low water mark to the bounds of the third ward, and then northerly along the same to the place of beginning; and shall be called the fifth ward.

The Sixth Ward shall begin at the northwesterly corner of the fourth ward, and run along the northerly bounds thereof to the fifth ward, and then along the bounds of the fifth ward and the middle of the Bowry-Lane to a place opposite to the middle of Bayard-street, and then to and along the middle of Bayard-street to the middle of Rynders-street, and then along the middle of Rynders-street to the middle of Hester-street, and then along the middle of Hester-street to the middle of Great George-street, and then along the middle of Great George-street to the middle of a Stone Arch built across the stream running out of the Fresh Water Pond, and then along the middle of the said stream of water to Hudson's river; and then due west to low water mark on the west side of Hudson's River, or so far as the bounds of this State extend there, and so down along the west side of Hudson's river at low water mark, or along the limits of this State to the place of beginning; and shall be called the sixth ward. And

The Seventh Ward shall include all the residue of the said city; and shall be called the seventh ward.

C H A P. XIX.

An ACT to empower the Trustees of the Reformed Dutch Churches of Fishkill and Poughkeepsie, in the county of Dutchess, to sell a certain house and lot of land for the benefit of the said Churches.

Passed 28th February, 1791.

Preamble, reciting that the Trustees of the Dutch Church of Fishkill, and Poughkeepsie have prayed leave to sell a certain house and lot in the town of Poughkeepsie.

Said trustees empowered to sell said house and lot.

WHEREAS the trustees of the first reformed Dutch Church of Fishkill and of the reformed Dutch Church of Poughkeepsie, in the county of Dutchess, have by their petition to the Legislature, prayed for leave to sell for the benefit of the said churches a certain house and lot of land owned by them jointly, and lying in the town of Poughkeepsie aforesaid: *And whereas*, The object of the said petition appears calculated to promote the interests of the said churches. Therefore,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That full power, good right, and lawful authority shall be, and hereby is granted to the trustees of the said churches to sell and alienate in fee all right and title belonging to the said churches, or in them as its trustees to the said house and lot of land or for the trustees of either of the said churches to release in fee to the trustees of the other all right and title belonging to their church, or in them as its trustees to the said house and lot of land, and for the trustees of the church to which the release shall be made to sell and alienate in fee the same whenever they shall deem it for the interest of their church.

C H A P. XX.

An ACT for determining differences by arbitration.

Passed 28th February 1791.

Reciting that references by rule of court have contributed much to the ease of parties.

Merchants and others may agree to submit their disputes to arbitration by such rule of court, and the mode in which it is to be done.

Penalty in case of disobedience to such arbitration.

WHEREAS it hath been found by experience that references made by rule of court, have contributed much to the ease of parties in determining their differences because the parties thereby become obliged to submit to the award of the arbitrators, under the penalty of imprisonment for their contempt in case they refuse submission: now for promoting trade and rendering the awards of arbitrators the more effectual in all cases, for the final determination of controversies referred to them by Merchants and traders or others, concerning matters of account or trade or other matters.

Be it enacted by the people of the State of New-York represented in Senate and Assembly and it is hereby enacted by the authority of the same, That it shall and may be lawful for all merchants and traders and others, desiring to end any controversy, suit or quarrel, controversies, suits or quarrels, for which there is no other remedy but by personal action or suit in equity, by arbitration to agree, that their submission of their suit or controversy to the award or umpirage of any person or persons should be made a rule of any court of record in this State, which the parties shall choose; and to insert such their agreement in their submission or the condition of the bond or promise whereby they oblige themselves respectively, to submit, to the award or umpirage of any person or persons; which agreement being so made and inserted in their submission or promise or condition of their respective bonds, shall or may upon producing an affidavit thereof made by the witnesses thereunto or any one of them, in the court of which the same is agreed to be made a rule and reading and filing the same affidavit in court, be entered of record in the same court; and a rule shall thereupon be made by the said court, that the parties shall submit to, and finally be concluded by the arbitration or umpirage, which shall be made concerning them, by the arbitrators or umpire pursuant to such submission; and in case of disobedience to such arbitration or umpirage, the party refusing or neglecting

to perform and execute the same, or any part thereof, shall be subject to all the penalties of contemning a rule of court, when he is a suitor or defendant in such court, and the court on motion, shall issue process accordingly, which process shall not be stopped or delayed in its execution, by any order, rule, command, or process of any other court, either of law or equity, unless it shall be made appear on oath to such court, that the arbitrators or umpire misbehaved themselves, and that such award, arbitration or umpirage, was procured by corruption or other undue means.

And be it further enacted by the authority aforesaid, That any arbitration or umpirage, procured by corruption or undue means, shall be judged and esteemed void and of none effect, and accordingly be set aside by any court of law or equity, so as complaint of such corruption or undue practice, be made in the court where the rule is made for submission, to such arbitration or umpirage, before the last day of the next term, after such arbitration or umpirage made and published to the parties.

A. D. 1791.
Ind. U. S. XV.

Any arbitration procured by undue means to be void and of none effect.

CHAP. XXI.

An ACT for the Relief of the Devises of John Bradstreet and Martha Bradstreet.

Passed 28th February, 1791.

WHEREAS it appears to the Legislature, that the Gore or narrow piece of land mentioned in the act, entitled, "An act for the partition of the lands therein mentioned, among the devisees of John Bradstreet and Martha Bradstreet, in the proportions directed by their respective wills, and for other purposes therein mentioned, is improperly described in the said act; and that the said gore or narrow piece of land is comprehended within the bounds and limits following, that is to say; beginning at three button wood trees and marked 1769 on the west side, the middle most cornered, and marked C I E I C 1787, on the northwest side, and a heap of stones placed against it; the smallest cornered and marked C I E I C 1786, on the east side, which trees stand on the south end of an island in the mouth of a large brook which comes from the northwest, where it empties into the Delaware river opposite to Cook House, and runs from thence along a line of marked trees north four degrees and forty-seven minutes east, one thousand three hundred and nine chains to the southwest corner of a tract of twenty-eight thousand acres of land, granted to Sir William Johnson and others, at a stake, fourteen links southwest from a soft maple tree cornered and marked C I E. G B. I C 1787, thence along a line of trees marked for the bounds of the last mentioned tract, east as the needle pointed in the year one thousand seven hundred and seventy, fifty-two chains and ninety-eight links, to the northwest corner of a tract of land granted to the heirs of General John Bradstreet, thence along the bounds thereof, being a line of trees marked by Simon Mercalfe, for the line of property, in the year one thousand seven hundred and sixty-nine, as the needle then pointed, south nine degrees west, one thousand three hundred and seventeen chains to the place of beginning, containing three thousand seven hundred and fifty-two acres of land. Therefore,

Be it enacted by the people of the State of New-York represented in Senate and Assembly and it is hereby enacted by the authority of the same, That it shall and may be lawful for the Governor of this State for the time being, by letters patent under the great seal of this State, to grant the said gore or narrow piece of land, as herein before described, to the same persons and upon the same terms as he might have granted the same, by the description contained in the above recited act; And that the said gore or narrow piece of land, shall be surveyed and divided, and the expences of the said division borne in the manner mentioned in the fourth, fifth and sixth enacting clauses, of the said recited act, in like manner as if the said gore had been described in the said recited act, in the manner herein before specified.

Preamble, reciting that a certain gore of land the property of the devisees of John Bradstreet, is improperly described in a certain act herein recited.

Said gore described as it should be.

Letters patent to issue for the said gore, agreeable to the last description.

And the land therein to be surveyed and divided.

CHAP. XXII.

An ACT for the collection of the arrears of taxes.

Passed the 8th March 1791.

WHEREAS there are certain arrears of the taxes laid by the Legislature since the first day of January in the year of our Lord one thousand seven hundred and eighty-six, yet remaining due and unpaid from the following counties in this State, that is to say, from the city and county of Albany, the sum of one thousand eight hundred and thirty-one pounds thirteen shillings, five pence and one half-penny; from the county of Dutchess the sum of two thousand two hundred and eighty-four pounds, nine shillings and seven pence; from the county of Ulster the sum of one thousand three hundred thirty-seven pounds twelve shillings and eight pence three farthings; from the county of Orange, the sum of one thousand seven hundred and thirty-five pounds and eleven pence one half penny; from the county of Westchester, the sum of one hundred and thirty-nine pounds seventeen shillings and one penny; from the county of Montgomery, the sum of fifty-four pounds and two shillings; from the county of Washington, the sum of four hundred and ninety-six pounds one shilling and six pence; from Queens county, the sum of one hundred and twelve pounds eleven shillings and one penny; from Suffolk county, the sum of fifty-one pounds seventeen shillings and ten pence; from Richmond county, the sum of one hundred and four pounds twelve shillings and nine pence; and from the county of Columbia, the sum of six hundred and eighty-five pounds three shillings and five pence. Therefore,

Reciting that there are certain arrears of taxes since the first of January, 1786, yet due and unpaid by several counties herein named, to the several amounts herein specified.

A. D. 1791.
Ind. U. S. XV.

Supervisors of the several counties at or before the time of laying the first county tax to cause said arrears to be levied and collected; and how.

Supervisors to examine how much arrears are due; and if due by any person other than the sheriff or county treasurer, how it shall be collected.

Supervisors empowered to prosecute in their names, an action against any treasurer or sheriff, for monies which may have come to their hands belonging to the county.

And no action so prosecuted, shall be abated by the death of any supervisor.

Provido.

No arrears in Washington to be laid on Cambridge or Easton.

Treasurer of Albany to certify to the supervisors of Washington, how much of the arrears of Albany are due from Cambridge or Easton, and said supervisors of Washington to cause the same to be collected.

Treasurer of Albany to certify to the supervisors of Rensselaer and Saratoga, how much of the arrears of Albany are due by the towns now composing Rensselaer and Saratoga, and said supervisors to cause the same to be collected.

Treasurer of Montgomery to certify to the supervisors of Otsego and Herkemer, how much of the arrears due by Montgomery, are due by the towns now composing Otsego and Rensselaer, and said supervisors to cause the same to be collected.

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That the supervisors of each of the said several counties respectively, shall as soon as conveniently may be, and at or before the time the first tax is laid in the same counties respectively, for defraying the public and necessary contingent charges thereof, cause the said arrears above-mentioned, in each of the said counties respectively, to be assessed and levied in the same respective counties, upon the estates real and personal, of all the freeholders and inhabitants of the same counties respectively, except as herein after is excepted, and to be collected in the manner, and according to the directions of the act, entitled, "An act for defraying the public and necessary charges in the respective counties of this State," and to be paid to the treasurer of this State.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the supervisors of each of the said respective counties, to examine how such arrears or deficiencies have happened in their respective counties, and if they shall find that any person, other than the present or late sheriff or treasurer of any county, or any city, town, district or ward, in any of the said counties, are justly chargeable with any part of the said arrears, and that the same can be collected or recovered from such person or city, town, district or ward, then the supervisors of such county, may cause such part or parts of the said arrears, to be levied and collected from such person or city, town, district or ward, in the manner, and according to the directions of the said act, entitled, "An act for defraying the public and necessary charges in the respective counties of this State," and to be paid to the treasurer of this State, on account of the said arrears.

*And be it further enacted by the authority aforesaid, That the supervisors of each county, for the time being, or a majority of them, shall be, and hereby are empowered to sue, prosecute and maintain an action or actions of trespass on the case, for money had and received to, and for the use of the same county, or action of debt, or action of account, at their option, against any person who now is, or heretofore hath been county treasurer or sheriff, their executors or administrators, in the name of the supervisors of the same county, for all monies which shall or may have come to their hands, belonging to the same county; and every such person as aforesaid, and their executors and administrators, may, on such action of trespass, on the case or of debt, plead the general issue, and give the special matter in evidence. And further, That no action or suit to be commenced, or prosecuted by the supervisors of any county, by virtue or in pursuance of this act, shall be abated or discontinued, by the death or the expiration of the office of such supervisor, or any or either of them, but shall and may be continued and prosecuted to effect by the supervisors, and the successors in office of the same supervisors; and that all monies to be recovered by such action or suit, excepting the costs and charges thereof, shall be paid to the treasurer of the same county for the time being, for the use of the county: *Provided always*, That such actions or suits, shall not be construed to authorize the supervisors of any county, to postpone the levying and raising the arrears aforesaid, agreeable to the directions aforesaid, until the termination of such actions or suits.*

And be it further enacted by the authority aforesaid, That no part of the said arrears in the county of Washington, shall be laid on the towns of Cambridge and Easton, or either of them.

And be it further enacted by the authority aforesaid, That the treasurer of the county of Albany for the time being, shall with all convenient speed, examine and certify on oath, to the supervisors of the county of Washington, whether any, and how much of the said arrears in the said county of Albany, are due from the said towns of Cambridge and Easton, or either of them; and the supervisors of the said county of Washington, shall cause such sums so due from the said towns of Cambridge and Easton respectively, if any, to be raised and levied in the manner aforesaid, upon the same towns respectively, and to be paid to the treasurer of this State, who shall credit the same to the late county of Albany.

And be it further enacted by the authority aforesaid, That the treasurer of the county of Albany for the time being, shall examine and certify on oath, to the supervisors of the counties of Rensselaer and Saratoga, respectively, the sums due from each of the several towns included in the same counties respectively, of the said arrears of the said county of Albany; and the supervisors of the same respective counties of Rensselaer and Saratoga, shall respectively cause the sums due from the several towns in their respective counties, to be raised, levied, and paid in the manner aforesaid, and the residue of the said arrears in the county of Albany, after deducting the sums due from Cambridge and Easton, and the several towns in the counties of Rensselaer and Saratoga, shall be raised and levied in manner aforesaid, in the present county of Albany, and be paid to the treasurer of this State, as aforesaid.

And be it further enacted by the authority aforesaid, That the treasurer of the county of Montgomery for the time being, shall examine and certify on oath to the supervisors of the several counties of Otsego and Herkemer respectively, the sums due from each of the several towns included in the same counties respectively of the said arrears in the said county of Montgomery, and the supervisors of the same respective counties of Otsego and Herkemer shall respectively cause the sums due from the several towns in their respective counties to be raised, levied, and paid in the manner aforesaid. And the residue of the said arrears in the county of Montgomery after deducting the sums due from the several towns included in the said counties of Otsego and Herkemer, shall be raised and levied in manner aforesaid in the present county of Montgomery, and be paid to the treasurer of this State as aforesaid, who shall credit the same to the late county of Montgomery.

And be it further enacted by the authority aforesaid, That if any supervisor, county treasurer, or collector shall refuse or neglect to perform any duty required of him by this act, or the said act, entitled, "An act for defraying the public and necessary charges in the respective counties of this State, respecting the said arrears, every such supervisor, county treasurer and collector, shall for every such offence forfeit to the people of the State of New-York, the sum of one hundred pounds, to be sued for and recovered with full costs of suit, by the attorney-general of this State for the time being, in the supreme court of this State, by action of debt, bill, plaint or information.

A. D. 1791.
Ind. U. S. XV.

One hundred pounds penalty inflicted on a supervisor, treasurer or collector for neglect of duty.

And be it further enacted by the authority aforesaid, That all arrears of State taxes, laid by any act of the legislature before the first day of January, in the year of our Lord one thousand seven hundred and eighty-six, shall be and hereby are remitted. But if any part of any such tax shall be in the hands of any county treasurer or collector, in any city or county, the supervisors of such county may recover the same of such county treasurer or collector for the use of the county.

All arrears of State taxes laid before the 1st of January 1786, remitted, unless such as may be in the hands of the county treasurers or collectors.

And whereas, The bounds of the county of Washington have been altered, and the counties of Albany and Montgomery have been divided by acts of the Legislature passed in their present session, and there may be some arrears of county and town taxes in the same counties. Therefore,

Recital to the following clause.

Be it further enacted by the authority aforesaid, That all county and town taxes now in arrear in the said late counties of Albany, Washington and Montgomery, shall be collected, paid and applied in the same manner as if the same counties had not been altered or divided.

All arrears of county taxes in Albany, Washington & Montgomery, to be collected as if the same counties had not been divided.

And be it further enacted by the authority aforesaid, That the first meeting of the supervisors of the county of Rensselaer shall be on the last Tuesday of May next, at the house of Stephen Ashley, in the town of Rensselaerwyck in the same county. And the first meeting of the supervisors of the county of Saratoga shall be on the same last Tuesday of May next, at the house of William Mead, in the town of Stillwater in the same county. And the first meeting of the supervisors of the said county of Otsego shall be on the same last Tuesday of May next, at the house of William Ellison, in the town of Otsego in the same county. And the first meeting of the supervisors of the county of Herkemer shall be on the same last Tuesday of May next, at the house of Joseph Myer, in the town of Herkemer in the same county. And the first meeting of the supervisors of the county of Tioga, shall be on the same last Tuesday of May next, at the house of Nehemiah Spalding, in the town of Union in the same county.

First meeting of supervisors of Rensselaer, Saratoga, Otsego, Herkemer and Tioga counties, when and where to be held.

And whereas the said county of Washington included the county of Clinton when the acts upon which the said arrears are due, were passed, and part of the said arrears in the said county of Washington are due from the said county of Clinton: Therefore,

Recital to the following clause.

Be it further enacted by the authority aforesaid, That two hundred pounds of the said arrears in the county of Washington being the proportion of the said county of Clinton shall be and hereby are remitted.

Arrears due by Clinton, as part of Washington county, remitted.

C H A P. XXIII.

An ACT for the relief of William Johnston, and others.

Passed the 8th of March 1791.

BE it enacted by the people of the State of New-York represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That the treasurer of this State be, and he is hereby directed to pay unto William Johnston, the sum of twenty-five pounds; to Samuel Low, the sum of forty-eight pounds five shillings; to Nathaniel Curtis, the sum of seventeen pounds; to Daniel Lobdel, the sum of forty-five pounds, two shillings and six-pence; to Benoni Ford, the sum of twenty-seven pounds; to Cornelius Lamberfon, the sum of ten pounds; to William Wormwood, the sum of twenty pounds, and to John Fevel, the sum of twenty pounds, fifteen shillings, amounting in the whole, to two hundred and thirteen pounds, two shillings and six-pence; out of any money in the treasury, not otherwise appropriated, said to be the amount of the improvements on their several farms, sold by the commissioners of forfeitures for the western district, and received into the treasury of this State.

Treasurer to pay William Johnston, Samuel Low, and others, several sums of money the amount of their improvements on several farms sold by the commissioners of forfeitures.

Provided always, That a satisfactory certificate is obtained from the late commissioners of forfeitures for the western district, that the aforesaid persons were entitled to the provision, contained in the nineteenth section of an act, entitled, "An act for the forfeiture and sale of the estates of persons who have adhered to the enemies of this State. and for declaring the sovereignty of the people of this State, in respect to all property within the same," Passed the 22d of October, 1779; and provided proper documents are produced to the said treasurer, that the actual appraisement of the said improvements, were made agreeably to the above statements.

Provided a certain satisfactory certificate be produced.

And be it further enacted by the authority aforesaid, That the treasurer of this State be, and he is hereby authorized and required, to deliver unto Henry White, the certificate, amounting to one hundred and sixty-nine pounds, eight shillings and a half-penny, directed by the act, entitled, "An act for the relief of Udny Hay, and others," passed the 6th of April 1790, to be issued to Hamilton Young, as one of the co-partners of Greg Cunningham and company, for a claim which the said co-partnership had against the forfeited estate of Henry White deceased, and which said demand, the aforesaid Henry White has actually paid to the said Hamilton Young, out of his own monies, without taking the oath prescribed by the act, en-

Treasurer to deliver to Henry White, a certain certificate, issued to Hamilton Young.

A. D. 1791.
Ind. U. S. XV.

titled, "An act for the speedy sale of confiscated and forfeited estates within this State, and for other purposes therein mentioned," passed the twelfth day of May, one thousand seven hundred and eighty-four.

C H A P. XXIV.

An ACT for the relief of John Dauchstater, and Mary his Wife.

Passed the 8th of March, 1791.

Preamble.

WHEREAS John Dauchstater hath, by his petition to the Legislature, prayed for a conveyance of one hundred acres of land near Charlotte river, in the county of Otsego forfeited by the conviction of Christopher Service, father of Mary, the wife of the said John Dauchstater, and which still remains unsold by the late commissioners of forfeitures in the western district: Therefore.

Surveyor-general to convey to John Dauchstater and wife, 100 acres of land, forfeited by the conviction of Christopher Service.

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That the surveyor-general of this State for the time being, be, and he is hereby authorized and directed, on application of the said John Dauchstater, or any person by him duly authorized for the purpose, to convey to the said John Dauchstater and Mary his wife, and the heirs of the said Mary, the said one hundred acres of land, situate near Charlotte river aforesaid, and forfeited by the conviction of the said Christopher Service.

Form of such conveyance.

And be it further enacted by the authority aforesaid, That the form of the conveyance to be executed by the surveyor-general, shall be in like form, with the form described in the act, entitled, "An act relating to the forfeited estates," except that the consideration shall be omitted, and instead thereof, the deed shall recite, "By virtue of the authority vested in me by a law of the State, entitled, "An act for the relief of John Dauchstater, and Mary his wife;" but such conveyance shall not operate as a warranty.

C H A P. XXV.

An ACT for altering the times of holding the Courts in the Counties of Westchester, Columbia and Clinton, and for reviving the Mayor's Court of the City of Hudson.

Passed the 8th of March, 1791.

Courts of common pleas and general sessions in Westchester, when, where, and how long to be held.

BE it enacted by the people of the State of New-York represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That the courts of common pleas and general sessions of the peace, in and for the county of Westchester, instead of the times now prescribed by law for holding the same courts, shall hereafter be holden as follows, that is to say: The said courts of common pleas, in and for the said county of Westchester, shall be held on the fourth Mondays of May, September, and January, in every year; and shall be held alternately, at the court-house at Bedford, and at the court-house at the White-Plains, and may be continued until the several Saturdays next following, inclusive: But no issue of fact shall be tried by a jury, in any of the said terms of January: And that the courts of general sessions of the peace, in and for the said county of Westchester, shall be held on the fourth Mondays of May and September, in every year, at the place where the court of common pleas shall be then holden; and may continue to be held until the end of that term of the same court of common pleas, any law to the contrary notwithstanding.

Courts of common pleas and general sessions in Columbia, when, where, and how long to be held.

And be it further enacted by the authority aforesaid, That from and after the first day of June next, the courts of common pleas and general sessions of the peace, in and for the county of Columbia, instead of the times now prescribed by law, for holding the same courts, shall be held on the last Mondays of May, October, and January, in every year, at the court-house in the town of Claverack; and the terms of the same courts which commence on the last Mondays of May and October in every year, may be held and continued until the several Saturdays next following, inclusive; and the term of the same courts which is to commence on the last Monday of January in every year, may be held, and continued every day, except Sunday, until Thursday, in the next week inclusive; and the courts of common pleas and general sessions of the peace, to be held in and for the county of Columbia, on the second Tuesday of May next, shall, at the end of the term, be adjourned unto the last Monday of October next.

Reciting that the present terms of the courts in Clinton, are found to be inconvenient.

And whereas, The courts of common pleas and general sessions of the peace, in and for the county of Clinton, are by law to be held on the third Tuesday of April, and fourth Tuesday in October in every year, which terms are found to be inconvenient: Therefore,

Said terms altered.

Be it further enacted by the authority aforesaid, That from and after the first day of June next, instead of the fourth Tuesday of October and third Tuesday of April, the said courts of common pleas and general sessions of the peace, in and for the county of Clinton, shall be held on the first Tuesdays of October and May, in every year, and may be held until the Saturdays next following, inclusive; and the courts of common pleas and general sessions of the peace, to be held in and for the said county of Clinton, on the third Tuesday of April next, shall at the end of the term, be adjourned to the first Tuesday of October next.

Terms of the courts in any of the aforesaid counties may be adjourned at any time in said terms.

And be it further enacted by the authority aforesaid, That either of the said courts of common pleas and general sessions of the peace, in either of the said counties, may at any time, in any term, be adjourned until the next term of the same court, when the business will permit.

And whereas by the act entitled, "An act for incorporating the inhabitants residing within the limits therein mentioned," the Mayor, Recorder and Aldermen of the city of Hudson or any three of them, whereof the Mayor or Recorder should always be one, were authorised to hold on the first Tuesday in every month, one court of common pleas, of record, within the said city, to be called the Mayor's court. And whereas, By occasion of the absence of the Mayor and Recorder, the said court was not held on the first Tuesday of February, in the present year, by reason whereof all the proceedings then depending in the said court are discontinued, and the right of holding such court is supposed to be lost. Therefore,

Be it further enacted by the authority aforesaid, That it shall and may be lawful for the Mayor, Recorder and Aldermen of the said city, or any three of them, whereof the Mayor or Recorder shall be one, to hold such court according to the directions of the said act, on the first Tuesday of May next, and on the first Tuesday in every month thereafter, in the same manner, as if the said court had been regularly held according to the said act, and adjourned to the said first Tuesday of May next; and all the process and proceedings depending in the said court on the said first Tuesday of February, in the present year, shall be, and hereby are revived and continued, unto the said first Tuesday of May next.

A. D. 1791.
Ind. U. S. XV.

Reciting that for want of holding the Mayor's court in the city of Hudson according to charter, the right of holding said court again, is supposed to be lost, and the proceedings therein discontinued.

Said court, and proceedings therein, to be continued as if the same had been regularly held.

CHAP. XXVI.

An ACT for the Relief of John Ten Broeck.

Passed the 8th March, 1791.

WHEREAS John Ten Broeck, late sheriff of the county of Albany, hath by his petition to the Legislature, prayed for further time to present his accounts while in the execution of his office, for settlement. And whereas, It appears advisable to grant relief in the premises. Therefore,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That the treasurer of this State for the time being, shall and may discontinue any suit or suits by him commenced against the said John Ten Broeck, late sheriff of the county of Albany, pursuant to the thirty-second section of the act, entitled, "An act to compel the payment of the arrears of taxes, for enforcing the payment of fines and amerciaments, obliging sheriffs to give security for the due execution of their offices, and for other purposes," passed the twenty-sixth day of November, in the year of our Lord one thousand seven hundred and eighty-four, upon his exhibiting and filing, on oath, according to the best of his knowledge and belief, such account and list as directed by the said act, and paying the amount thereof, liquidated by the auditor, together with the costs of such suit or suits, to the said treasurer, on or before the first day of January next.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the court of Exchequer, at any time before the end of January term next, to examine, audit and settle the accounts of the said John Ten Broeck in the same manner as if he had presented his accounts in due time.

Preamble, reciting that John Ten Broeck late sheriff of Albany, hath prayed a further time for settling his accounts.

Treasurer to discontinue his suit against him, provided he settles his accounts and pays the balance before the 1st of January next.

And court of Exchequer to examine his accounts, as if he had produced them in time.

CHAP. XXVII.

An ACT to amend an act entitled, "An act for the regulation of sales by Public Auction."

Passed the 8th of March 1791.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That the person administering the Government of this State for the time being by and with the advice and consent of the council of appointment, shall annually appoint, so many persons within this State to be Vendue Masters or Auctioneers as they shall judge proper; Provided always that the number to be appointed in and for the city and county of New-York shall not exceed twelve in any one year.

And be it further enacted by the authority aforesaid, That all Licences heretofore given to any Vendue Master or Auctioneer shall from and after the first day of May next, cease and hereby are declared to be void and of none effect, and every person who shall act as a Vendue Master or Auctioneer after the said first day of May next, in pursuance of such Licence shall be liable to the penalties in the said act mentioned in like manner as if he had not obtained such Licence.

And be it further enacted by the authority aforesaid, That no person hereafter to be appointed a Vendue Master or Auctioneer shall enter upon the execution of his office, until he shall have first entered into a recognizance as is directed in and by the said act.

And be it further enacted by the authority aforesaid, That every Vendue Master or Auctioneer heretofore licenced, shall within twenty days after the said first day of May next, account for and pay into the treasury of this State, the duties belonging to the people of this State, arising from the sale of goods, wares and merchandize or effects by him made as Vendue Master or Auctioneer and not before accounted for.

And be it further enacted by the authority aforesaid, That all goods wares, and merchandize or effects whatsoever, which shall or may at any time or times from and after the said first day of May next, be exposed to sale at Public Vendue, Auction or Outcry within the city of New-York, by any person or persons duly qualified and Licenced thereto, shall be exposed to sale at Public Vendue, Auction or Out-cry in open day between sun rise and sun

Council of Appointment annually to appoint as many vendue masters, as they may think proper.

Proviso.

All licences heretofore given to vendue masters, to cease after the 1st of May next.

Vendue masters hereafter to be appointed, to enter into a recognizance.

Vendue masters, heretofore licenced, before a certain time, to account for and pay the duties belonging to the State.

All goods, wares, and merchandize after the 1st day of May next, sold at vendue, to be exposed to sale in open day.

A. D. 1791.
Ind. U. S. XV.

Penalty on persons
selling contrary to the
intent of this act.

All monies paid in-
to the treasury of this
State, in pursuance of
this act, appropriated
to support the civil list.

Any master of a
vessel who shall dis-
charge earth, gravel,
or stone ballast, on a
ny wharf, without con-
sent of the wharfinger,
to forfeit twenty shil-
lings.

Or if he refuses to
move his vessel when
thereunto required, to
forfeit five pounds.

Or if he has dis-
charged such ballast as
afore said without con-
sent, and does not re-
move it, then he shall
pay the daily amount
of his vessels wharfage.

Proviso.

Any person employ-
ed in repairing a ves-
sel, who shall throw
any thing into a dock,
tending to obstruct the
same, to forfeit forty
shillings.

When the assignees
of an insolvent debtor
finds there has been
mutual credit between
him and others, they
shall set the one debt
against the other, and
the balance only be
paid.

Any person having
been confined in gaol
for one year, may take
the benefit of a certain
act for relief of debt-
ors, with respect to
their persons, altho'
his debts exceed 200l.
Proviso.

set; and that any person or persons who shall expose to sale any goods, wares, merchandize or effects contrary to the true intent and meaning hereof shall be deemed for such offence to have forfeited his or their Licence, and be thereafter disqualified from acting as a Vendue Master or Auctioneer. *Provided* always that nothing herein contained shall extend to any public sale, Vendue or Auction to be had or made for the purpose of selling or disposing of any public securities or stock created under the acts of Congress, or of any books or prints except such books or prints as are prohibited by law.

And be it further enacted by the authority aforesaid, That all monies which shall be paid into the Treasury in pursuance of the said act and this act, be, and hereby are appropriated for the support of the civil government of this State.

CHAP. XXVIII.

An ACT to prevent Obstructions to Docks and Wharves, in the City of New-York.

Passed the 10th of March, 1791.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That from and after the first day of May next, if any master or commander, owner or owners of any ship or vessel, shall discharge or cause to be discharged from such ship or vessel, any ballast, consisting of earth, gravel, or stones, into any dock, or upon any wharf within the city of New-York, without the consent of the owner or wharfinger, having charge of such dock or wharf, first obtained, such master, or commander, owner or owners, shall, for every such offence, forfeit and pay to such owner or wharfinger, having charge of such dock or wharf, the sum of twenty shillings, to be recovered before any court having cognizance of the same.

And be it further enacted by the authority aforesaid, That upon the neglect or refusal of any master or owner of any ship or vessel, to remove, or cause to be removed such ship or vessel, backwards or forwards at the same wharf, at the direction of any wharfinger, having the charge of such wharf, or of the owner thereof, such master or owner shall, for every such offence, forfeit and pay to the said wharfinger or owner of such wharf, the sum of five pounds, to be recovered with costs of suit, in manner aforesaid.

And be it further enacted by the authority aforesaid, That any master or commander, owner or owners of any ship or vessel, having discharged any ballast of the description aforesaid, upon any wharf, without the consent of the owner or wharfinger, having charge of the said wharf, and shall neglect or refuse, after notice in writing, to remove the same; such master or commander, owner or owners, shall forfeit and pay daily, and every day, during such refusal or neglect, the same sum, as is by law chargeable for the wharfage of such ship or vessel, which discharged such ballast as aforesaid.

Provided nevertheless, that no agent or agents, factor or factors, transacting for any person or persons residing out of, or absent from this State, shall be liable to the penalties imposed by this act, unless an account thereof be delivered to such agent or agents, factor or factors, or left at his or their usual place of abode, and the money demanded before the departure of such vessel from port, any thing herein contained to the contrary notwithstanding.

And be it further enacted by the authority aforesaid, That any carpenter or other person, employed in repairing, sheathing, or graving any ship or vessel, being in any dock within the city aforesaid, who shall throw, or cause to be thrown into any such dock, any timber, sheathing boards, or any other matter or thing whatsoever, tending to fill up and obstruct such dock, shall, for every such offence, forfeit and pay to the owner of such dock or wharfinger, having charge of the same, the sum of forty shillings, to be recovered in manner aforesaid.

CHAP. XXIX.

An ACT supplementary to the act, entitled, "An act for giving Relief in cases of Insolvency," and the act, entitled, "An act for the Relief of Debtors with respect to the imprisonment of their Persons."

Passed the 10th of March, 1791.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That where it shall appear to the assignee or assignees of any insolvent debtor, who hath been, or shall be discharged under the act above-mentioned, that there hath been mutual credit given by the said insolvent, and any other person or persons, or that mutual debts subsisted between the said insolvent, and any other person or persons, before such insolvent presented his petition, praying the benefit of the act aforesaid, the assignee or assignees of such insolvent, shall state the account between them, and one debt may be set against another, and what shall appear to be due on the balance of such account, and on settling such debts against one another, and no more shall be claimed or paid on either side, respectively.

And be it further enacted by the authority aforesaid, That every person who now is or hereafter shall be confined in gaol on execution, and shall have remained in gaol the space of one year, shall be entitled to the benefit of the act, entitled, "An act for the relief of debtors with respect to the imprisonment of their persons," although the sum or sums of money for which such person is or shall be charged in execution shall exceed the sum of two hundred pounds.

Provided the same does not exceed the sum of one thousand pounds.

C H A P. XXX.

An ACT for building a Court-House and Gaol in Kings County.

Passed the 10th of March, 1791.

A. D. 1791.
Ind. U. S. XV.

WHEREAS the judges, justices and supervisors of Kings county have by their petition requested the Legislature to enable them by law to raise a sum of money to build a court-house and gaol in the said county. Therefore,

Preamble.

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That the supervisors of the several towns in the said county for the time being, or the major part of them, shall be, and they are hereby authorized and required to direct to be raised and levied on the freeholders and inhabitants of the said county, the sum of twelve hundred pounds, for building a court-house and gaol in the said county, with the additional sum of nine pence in the pound for collecting the same; which said sums shall be raised, levied and collected in like manner as the other necessary and contingent charges of the county are levied and collected.

Supervisors of Kings county authorized to raise and levy on the inhabitants, 1200l. to build a court-house in said county, with the additional sum of nine pence in the pound for collection.

And be it further enacted by the authority aforesaid, That the supervisors of Kings county, or the major part of them shall meet at the dwelling house of James Van Beuren, in Flat Bush, in the same county, on the twelfth day of April next, for the purpose of directing the said sum of twelve hundred pounds together with the poundage for collecting the same to be raised and levied, and it is hereby made the duty of the clerk of the supervisors of the said county to notify the said supervisors of such meeting.

Supervisors, when and where to meet to direct the raising said sum of 1200l.

And be it further enacted by the authority aforesaid, That the said sum of twelve hundred pounds shall be collected and paid into the treasury of the said county in manner following, that is to say; eight hundred pounds thereof on or before the first day of June next, and the remaining part on or before the first day of October next.

Said sum when to be collected and paid into the county treasury.

And be it further enacted by the authority aforesaid, That the supervisors and judges of the court of common pleas in the said county shall on the said twelfth day of April next, assemble together and appoint three commissioners to superintend the building of the court house and gaol aforesaid, which said court-house and gaol shall be erected on the lot or toft of land whereon the present court-house and gaol are erected, and upon such plan as the aforesaid commissioners, or a majority of them so to be appointed, shall think best consistent with the economy and interest of the said county; and that the said commissioners, or a majority of them so to be appointed, shall and may contract with workmen and purchase materials for erecting the aforesaid court-house and gaol, and shall from time to time draw upon the treasurer of the said county for such sums of money for the purposes aforesaid as shall come into the treasury by virtue of this act: And the treasurer is hereby required, out of the monies aforesaid, to pay to the order of the said commissioners the several sums of money to be by them drawn for: And it is hereby made the duty of such commissioners so to be appointed to account with the supervisors of the said county for the monies which they shall have so received from the treasury when thereunto required.

Supervisors and judges when to meet and appoint three commissioners to superintend the building said court-house, and the place where it is to be built ascertained.

Said commissioners to contract with workmen, buy materials, &c. and draw the money from the treasury.

And the treasurer directed to pay the same to their order.

And the commissioners to account with the supervisors.

And be it further enacted by the authority aforesaid, That the court of common pleas, and the court of general sessions of the peace for the same county, shall, after the end of the term to be held on the third Tuesday in April next, be adjourned to, and held at such place in the township of Flatbush, as the judges and justices of the same courts, or a majority of them shall determine, until the court-house aforesaid shall be built, and fit for the reception of the said courts.

Courts of the said county, where to be held, until said court-house is built.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the treasurer of the said county, to retain in his hands the sum of three-pence in the pound for his trouble, in receiving and paying out, the monies directed to be raised by this act.

Treasurer to retain in his hand three-pence in the pound for receiving and paying said monies.

C H A P. XXXI.

An ACT for raising a further Sum of Money, for completing the Court-House and Gaol, in the County of Albany.

Passed the 18th of March, 1791.

WHEREAS the persons appointed by the act, entitled, "An act for building a gaol, and repairing the court-house in the city and county of Albany, have, by their petition, requested the legislature, to enable the supervisors, by law, to raise a further sum of two thousand pounds, to compleat the court-house and gaol in the said city and county.

Preamble.

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That the supervisors of the said city and county, for the time being, shall be, and they are hereby authorized and required, to direct to be raised and levied, on the freeholders and inhabitants of the said city and county, the sum of two thousand pounds, for completing the court-house and gaol in the said city and county, with an additional sum of nine-pence in the pound, for collecting the same: which said sums shall be raised, levied and collected, at the same time, and in like manner as the other necessary and contingent charges of the said city and county, are levied and collected.

Supervisors of the city and county of Albany authorized to raise and levy on the inhabitants, the sum of 2000l. to compleat the court-house & gaol with an additional sum of nine-pence in the pound for collecting.

And be it further enacted by the authority aforesaid, That the one moiety of the said sum of two thousand pounds shall be collected and paid into the treasury of the said city and county, on or before the first day of November next, and the other moiety, on or before the first day of November, one thousand seven hundred and ninety-two; and the treasurer of the said city and county is hereby required and directed, out of the money aforesaid, to pay to the com-

One moiety of said sum to be paid into the treasury of the said city and county, before the 1st of November next, and the other moiety, before the next succeeding November.

A. D. 1791.
Ind. U. S. XV.

And treasurer to pay
said money to the com-
missioners or their or-
der.

And commissioners
to account with the
supervisors.

Treasurer to retain
three-pence in the
pound, for receiving
and collecting the same.

missioners, appointed by the act above recited, or their orders, the several sums of money to be by them drawn for; and it is hereby made the duty of the said commissioners for the time being, to account with the supervisors of the said city and county, for the monies by them to be received and expended for the purpose aforesaid, when thereunto required.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the treasurer of the said city and county, to retain in his own hands, the sum of three-pence in the pound, for his trouble in receiving and paying out the monies, directed to be raised by this act.

C H A P. XXXII.

An ACT for vesting a certain tract of land in Trustees for the benefit of Peter Otsequette.

Passed the 18th of March 1791.

Commissioners of
the land-office, to cause
1000 acres of land to
be laid out for Peter
Otsequette, an Indian.

And to issue letters
patent for the same, to
the persons herein na-
named, as trustees for
said Peter Otsequette.

And in trust, to lease
out such parts as may
be unoccupied, for the
benefit of said Peter
Otsequette and his chil-
dren.

Trustees to make
no lease in reversion.

BE it enacted by the people of the State of New-York represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That the commissioners of the Land-office shall as soon as conveniently may be cause to be laid out and surveyed for Peter Otsequette of the Wolf Tribe of the Oneida Nation, a tract of one thousand acres of land, at such a place in the county of Herkemer, as they may find most suitable for the purpose, adjoining to or near the lands called the Oneida Reservation, and shall cause letters patent to be issued for such tract, granting the same to the Secretary, the Treasurer and the Attorney-general of this State for the time being and their successors in office forever, in trust to permit and suffer the said Peter Otsequette during his natural life, and the issue of his body during their respective natural lives as long as there shall be any such issue remaining, to occupy, improve and enjoy for his and their own use and benefit, so much of the said tract, as the said trustees may from time to time think necessary for that purpose; and in trust from time to time to let out and lease to such person or persons, and upon such terms and conditions, and for such time, not exceeding twenty-one years or three lives, as the said trustees may think proper, all such parts of the said tract of land as may at any time be unoccupied or unimproved by the said Peter Otsequette or his issue, and to pay the rents thereof to the said Peter Otsequette during his life, and after his death to pay the same to the issue of the body of the said Peter Otsequette during their respective natural lives, equally to be divided among them, and for and upon no other use or trust whatsoever.

And be it further enacted by the authority aforesaid, That it shall not be lawful for the said trustees at any time, to make any lease in reversion of any part of the said tract, and every such lease shall be void.

C H A P. XXXIII.

An ACT for dividing the towns therein mentioned.

Passed the 18th of March 1791.

Part of Stephen-
Town, in Rensselaer
county, erected into a
town by the name of
Petersburgh, and place
fixed for the first town
meeting.

Place fixed for the
next town-meeting of
Stephen-Town.

Part of the town of
Rensselaerwyck erec-
ted into a town by the
name of Troy, and the
first town-meeting
where to be held.

Next town-meeting
of Rensselaer, where
to be held.

Part of the town of
Watervliet erected in-
to a town by the name
of Coeyman's, and the
first town-meeting
where to be held.

Part of the town of
Haverstraw erected in-
to a town, by the name

BE it enacted by the people of the State of New-York represented in Senate and Assembly and it is hereby enacted by the authority of the same, That from and after the first Monday in April next, all that part of the town of Stephen-town, in the county of Rensselaer, which lies north of a line to be drawn east and west from the south bounds of Peter Seamon's farm, until it intersects the east and west bounds of the said town of Stephen-town, shall be and is hereby erected into a distinct and separate town by the name of Petersburgh and that the first town-meeting of the inhabitants of Petersburgh, shall be held at the house of Hezekiah Coone in the said town; and that the next town-meeting of the inhabitants of the town of Stephen-town, shall be held at the Dwelling-house now occupied by Joshua Gardner in the said town.

And be it further enacted by the authority aforesaid, That from and after the first Monday in April next, all that part of the town of Rensselaerwyck in the county of Rensselaer, which lies north of a line to be drawn from a point on the east bank of Hudson's River, sixteen miles distant from the south-west corner of the town of Rensselaerwyck, and running from thence east to the west bounds of the town of Petersburgh, shall be, and is hereby erected into a distinct and separate town by the name of Troy, and that the first town-meeting of the said town of Troy shall be held at the dwelling house now occupied by Stephen Ashley in the said town and that the next town-meeting of the town of Rensselaerwick shall be held at the dwelling-house of James M'Kown in the said town.

And be it further enacted by the authority aforesaid, That from and after the first day of April next, all that part of the town of Watervliet, in the county of Albany, which is bounded as follows; south, by the town of Cocksakie; west, by the town of Rensselaer-ville; north, by the north bounds of Coeyman's patent of confirmation; and east, by the county of Rensselaer, shall be, and hereby is erected into a separate and distinct town, by the name of Coeyman's; and the first town-meeting in the said town, shall be held at the present dwelling-house of Anthony Egbertse, in the said town.

And be it further enacted by the authority aforesaid, That from and after the first day of April next, all that part of the town of Haverstraw, in the county of Orange, bounded westerly, by a line, beginning at the north-west corner of the land of John M. Hogenkamp, called his middle town lot, and running from thence north, three degrees west, to the division line bet-

tween the north and south moiety of the patent of Kakiate, and then along the same, east, to the line of division, between the east and west four hundred acre lots, of the said north moiety, and then along the last mentioned division line, and continuing the same to the line of division between the mountain lots, upon the top of the Verdrietege-Hook mountain, and northerly by the line, running along the top of the said mountain, between the said mountain lots, to the east end thereof, and from thence, to the head of the stream of water, which runs from the Long Clove to Hudson's river, and then along the same stream of water, to Hudson's river, easterly by Hudson's river, and southerly by Orange-Town, shall be, and hereby is erected into a distinct and separate town, by the name of Clark's-Town; and the first town-meeting of the inhabitants of Clark's-Town, shall be held at the court-house at the New City, in the same town; and that all that part of the said town of Haverstraw, bounded easterly by Clark's-Town, southerly by New-Jersey, westerly by New-Cornwall, and northerly by a line running from the north-west corner of Clark's-Town, along the south bounds of the lands of Francis Gurnie and Benjamin Coe, and along the north bounds of the land of Gabriel Conklin and Jonathan Seaman, and the same course continued, to the bounds of New-Cornwall, shall be, and hereby is erected into a distinct and separate town, by the name of New-Hampstead; and the first town-meeting of the inhabitants of New-Hampstead, shall be held at the dwelling-house of Theunis Cuyper, in the same town; and that the residue of the said town of Haverstraw, shall remain and continue a distinct and separate town, by the name of Haverstraw, and the next town-meeting of the inhabitants of the same town, shall be held at the dwelling-house of David Burns, in the same town.

A. D. 1791.
Ind. U. S. XV.

of Clark's-Town, and first town-meeting, where to be held.

Part of said town of Haverstraw, erected into a town by the name of New-Hampstead, and first town-meeting where to be held.

Next town-meeting of Haverstraw where to be held.

And be it further enacted by the authority aforesaid, That the freeholders and inhabitants of the several towns erected by this act, shall be, and hereby are empowered to hold town-meetings and elect such town officers, as the freeholders and inhabitants of any town in this State may do by law: And that the freeholders and inhabitants of the said several towns, and the town officers to be by them respectively elected, shall have the like powers and privileges as the freeholders, inhabitants and town officers of any other town in this State, may exercise by law.

Freeholders and inhabitants of the towns erected by this act, to have the same privileges as other towns in this State.

And be it further enacted by the authority aforesaid, That the poor now belonging to the town of Haverstraw, prior to this division, and every person now entitled to a settlement therein, and who shall become poor, shall be supported and maintained at the joint expence of the towns of Haverstraw, Clark's-Town and New-Hampstead, in the same proportion, as the necessary and contingent charges of the county, shall from time to time be laid upon the said towns respectively.

The poor belonging to Haverstraw, how to be supported.

And be it further enacted by the authority aforesaid, That the contingent charges and expences of the several towns aforesaid, that have already arisen, or shall arise before the first day of April next, shall be assessed, levied and paid in manner and form as if this act had not passed.

Contingent charges of the several towns which have arisen before a certain day, to be paid as if this act had never passed.

And further, That all permits granted to any person or persons, to retail spirituous and strong liquors, or to keep an inn or tavern, in either of the said towns, before the first day of April next, agreeably to an act, to lay a duty of excise on strong liquors, and for regulating inns and taverns, shall in no wise be injured or affected by the passing this act.

Permits to retail strong liquors in any of said towns, obtained before a certain day, not to be affected.

And be it further enacted by the authority aforesaid, That the expence of running the division lines between the respective towns of Rensselaerwyck and Troy, and of Stephen-Town and Petersburg, shall be paid in equal moieties, by each of the said towns,

Expence of running lines between certain of said towns, how to be paid.

And be it further enacted by the authority aforesaid, That as soon as may be convenient, after the first Tuesday of April, next, the supervisors and overseers of the poor, for the towns of Stephen-Town and Petersburg, shall, by a notice, to be given for that purpose, by the supervisor of the town of Stephen-Town, meet together and apportion the poor maintained by Stephen-Town, at the time of the division thereof, between the said two towns, in an equitable manner, and the said towns respectively, shall thereafter maintain their respective poor.

Poor of Stephen-Town to be apportioned between Stephen-Town & Petersburg.

And be it further enacted by the authority aforesaid, That as soon as may be, after the first Tuesday of April next, the supervisors and overseers of the poor, for the towns of Rensselaerwyck and Troy, shall, by notice to be given for that purpose, by the supervisor of the town of Rensselaerwyck, meet together, and apportion the poor maintained by the town of Rensselaerwyck at the time of the division thereof, between the said two towns, in an equitable manner; and the said towns respectively, shall thereafter maintain their respective poor.

Poor of Rensselaerwyck to be apportioned between Rensselaerwyck and Troy.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the supervisors and overseers of the poor of Watervliet and Coeymans, for the time being, to divide the poor now maintained by the said towns between the same two towns, in such manner as they or the major part of them shall judge to be just and equitable; and each of the said towns shall thereafter support their own poor respectively.

Poor of Watervliet and Coeymans to be apportioned between them.

C H A P. XXXIV.

An ACT to enable the Mayor, Recorder and Aldermen of the City of New-York, to order the raising Monies by Tax, for the maintenance of the Poor, and for defraying the other contingent expences arising in the City and County of New-York.

Passed the 18th of March, 1791.

BE it enacted by the people of the State of New-York represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That the Mayor, Recorder and Aldermen of the city of New-York, or the major part of them, of whom the Mayor or Recorder

Corporation of New-York empowered to raise 8000l. by tax to support the poor.

A. D. 1791.
Ind. U. S. XV.

to be one, shall be, and hereby are fully authorized and empowered, as soon as conveniently may be, after the passing of this act, to order the raising a sum not exceeding eight thousand pounds, by a tax on the estates real and personal, of the freeholders and inhabitants within the city and county of New-York, to be applied to the support and maintenance of the poor of the said city and county, the bridewell and the criminals, from time to time confined in the prison of the said city and county, and to the repairing and maintaining the public roads, and cleaning and improving the streets within the said city and county.

And 3000l. for improving the battery, &c.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the Mayor, Recorder, and Aldermen aforesaid, or the major part of them, as soon as conveniently may be, after the passing of this act, to order the raising a further sum, not exceeding three thousand pounds, to be assessed, raised and collected in the manner aforesaid, to be applied to the improvements at the battery, and in front of the government house.

And 4000l. for paying watchmen, repairing lamps, &c.

And also a further sum not exceeding four thousand pounds by a tax on the estates real and personal of the freeholders and inhabitants within the said city, on the south side of a line beginning at the out-let of the meadow of Leonard Lispenard into Hudsons river, thence extending to and along the north side of the dwelling house of Nicholas Bayard, thence to and along the north side of the dwelling house of Richard Platt, and thence to and along the north side of the dwelling house of Abraham Cannon to the East River, to be applied to the payment of so many watchmen as the Mayor, Aldermen and Commonalty of the said city in common council convened, shall think necessary for guarding the said city, and also the purchasing oil, providing lamps, and repairing and attending the lamps which now are and from time to time hereafter may be erected within the said city, and for the payment of such other contingent charges of the said city as the Mayor, Aldermen and Commonalty of the said city in common council convened, shall think necessary and direct; which said several sums of money shall be rated and assessed according to the estate of each respective person so to be taxed and be collected in one payment, and paid into the hands of the treasurer or chamberlain of the said city at such time as the said Mayor, Recorder and Aldermen, or the major part of them, shall direct and appoint, any thing in the second section of the statute, entitled, "An act for the more effectual collection of taxes in the city and county of New-York," contained to the contrary notwithstanding.

Said several sums how to be rated, assessed, collected and paid.

Collectors to retain in their own hands a certain proportion for their trouble in collecting.

Chamberlain to retain in his hands two pence in the pound.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the collectors in the Out Ward of the said city to retain in their hands the sum of one shilling in the pound, and the collectors in the several other wards the sum of nine pence in the pound, and no more, for their trouble in collecting and paying to the treasurer or chamberlain of the said city, such sums of money as shall be raised by virtue of this act, and that it shall and may be lawful for the said treasurer or chamberlain to retain in his hands the sum of two pence in the pound, and no more, for his trouble in receiving and paying the said monies.

C H A P. XXXV.

An ACT for laying out and regulating certain Roads over the Esopus Low Lands, in the county of Ulster, and for ascertaining the lines between the towns of Goshen, Warwick, and Minnisk, in the county of Orange.
Passed the 18th of March, 1791.

Preamble.

WHEREAS many of the inhabitants of the town of Kingston, in the county of Ulster, have by their petition, represented to the Legislature, that it will be necessary to lay out a public road or roads, over the Esopus Low Lands, to the bridge lately erected over the Esopus Creek, but that it would be highly inconvenient that the said road or roads should be of the breadth of four rods, as at present directed by law, by reason of the expence which would attend the same. Therefore,

Commissioners of highways in Kingston to lay out a certain road across the low lands, two rods wide.

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the commissioners of high-ways of the said town of Kingston, or the major part of them, to lay out such common road or roads, across the said Low Lands, as may be judged expedient, and that the breadth thereof from the place of leaving the main road from Kingston to Hurly, to the aforesaid bridge, and from the said bridge northerly over the said Low Lands, shall be two rods wide.

Proviso.

Provided nevertheless, That the said commissioners or the major part of them, shall in all respects, except as is herein before mentioned, pursue and be governed by the directions and provisions of the act, entitled, "An act for the better laying out, regulating and keeping in repair, all common and public highways, and private roads, in the counties of Ulster, Orange, Dutchess, Washington, Westchester, Albany, and Montgomery," Passed the 4th of May, one thousand seven hundred and eighty-four.

Commissioners to cause swinging gates to be erected and kept on said road.

Penalty for leaving open any of said gates.

And be it further enacted by the authority aforesaid, That the said commissioners of the high-ways, or the major part of them, shall cause to be erected, and kept at the expence of the said town of Kingston, such swinging gates on said roads, as may be by them, or the major part of them, thought necessary or expedient, not exceeding three, and that any person or persons, who shall open, and leave open the said swinging gates or either of them, shall respectively be liable for each offence, to the penalty of eight shillings, to be recovered with costs of suit, before any justice of the peace in the said county of Ulster, and the monies there-

from arising, shall be applied towards the erecting or repairing such swinging gates, or to such other objects as the corporation of the said town of Kingston may deem meet.

And whereas, The towns of Goshen and Warwick are bounded, westerly by the Walkill, and the town of Minnifink is bounded, southerly by the same Kill, in the county aforesaid, whereby the said Kill is included in neither of the said towns: Therefore,

Be it further enacted by the authority aforesaid, That the towns aforesaid, shall be, and they are hereby divided by the middle of the said Walkill, any thing in any law to the contrary notwithstanding.

A. D. 1791
Ind. U. S. XV.

Recital to the following clause.

Towns of Goshen & Warwick, to be divided by the middle of Walkill.

C H A P. XXXVI.

An ACT to divide the Town of North-Castle, in the County of Westchester.

Passed the 18th of March, 1791.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That from and after the first Monday of April next, all that part of the town of North-Castle, in the county of Westchester, that lies east and south of a line, drawn from the south-west corner of the town of Bedford, to the head of Brunx's river, where the same divides the town of Mount Pleasant, from the town of North-Castle, shall be one separate town, by the name of North-Castle; and the first town-meeting for the said town of North-Castle, shall be held at the dwelling-house of Harrison Palmer: And all the remaining part of the said town of North-Castle, that lies west and north of the aforesaid line, shall be one other separate town, by the name of New-Castle; And the first town-meeting for the town of New-Castle, shall be held at the dwelling-house of Hannah Legget: And the said town of North-Castle, and the said town of New-Castle, shall separately and severally, hold and enjoy, all the privileges and immunities that the town of North-Castle held and enjoyed, by any former law of this State, at, and immediately before the passing of this act.

And be it further enacted by the authority aforesaid, That the poor of the town of North-Castle, on the first Monday of April next, shall afterwards be divided by the town of North-Castle and the town of New-Castle, in such proportions as the overseers of the poor for the time being, of the said towns, respectively shall agree upon; and in case of disagreement of the said overseers, then, and in such proportions as the supervisors of the county, at their next annual meeting shall direct, any former law to the contrary notwithstanding.

North-Castle town divided, and one part called North-Castle,

And the other New-Castle.

The poor of North-Castle to be divided between the two towns.

C H A P. XXXVII.

An ACT to Incorporate the Stockholders of the Bank of New-York.

Passed the 21st of March, 1791.

WHEREAS Isaac Roosevelt and others, associated as a company, under the style of the president, directors, and company of the Bank of New-York, by their petition presented to the Legislature, have prayed for the privilege of being incorporated, the better to enable them to carry on the purposes of their institution: Therefore,

Be it enacted by the people of the State of New-York represented in Senate and Assembly and it is hereby enacted by the authority of the same, That all such persons as now are, or hereafter shall be stock-holders of the said bank, shall be and hereby are ordained, constituted and declared to be from time to time, and until the second Tuesday of May, which will be in the year one thousand eight hundred and eleven, a body corporate and politic, in fact and in name, by the name of the President, Directors and Company of the Bank of New-York; and that by that name, they and their successors until the said second Tuesday of May, one thousand eight hundred and eleven shall and may have continual succession; and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever: And that they and their successors may have a common seal, and may change and alter the same at their pleasure; and also that they and their successors by the same name of the President, Directors and Company of the Bank of New-York, shall be in law, capable of purchasing, holding and conveying any estate real or personal for the use of the said corporation.

And be it further enacted by the authority aforesaid, That a share in the stock of the said Bank shall be five hundred Spanish milled dollars, or the equivalent thereof in specie; and the number of shares shall not exceed one thousand eight hundred, exclusive of any shares that may be subscribed on the part of this State, and subscriptions shall be kept open under the direction of the President and Directors of the said Bank, until the said number of shares shall be filled, and the whole amount of the stock estate, and property which the said corporation shall be authorized to hold, including the capital, stock or shares above mentioned, shall never exceed in value one million of dollars.

And be it further enacted by the authority aforesaid, That the stock, property, affairs and concerns of the said corporation shall be managed and conducted by thirteen directors, one of whom to be the President, who shall hold their offices for one year, which Directors shall be stockholders, and shall be citizens of this State, and be elected on the second Tuesday of May in every year, at such time of the day, and at such place in the city of New-York, as a majori-

Preamble, reciting that the stockholders of the Bank of New-York have prayed to be incorporated.

Said stockholders incorporated for 20 years, by the name of the President, Directors, and Company of the Bank of New-York.

And they and their successors for that time to have continual succession, and be capable of suing and being sued in all actions whatsoever.

And to have a common seal, and to hold and convey real or personal estate.

Each share in said Bank, to be 500 dollars.

And the whole amount of shares not to exceed 1800, exclusive of state shares, and a subscription to be kept open until the whole are filled.

And the whole amount of stock and other property, not to exceed one million of dollars.

Stock, and affairs of the Bank to be managed by thirteen Directors, one of whom to be President, all to be chosen yearly, on a certain day.

A. D. 1791.
Ind. U. S. XV.

Elections for Directors, how to be held.

Directors when chosen to elect a President and four of their number to be ineligible the second year.

President for the time being, always eligible as a Director.

Vacancies which may happen, how to be filled.

First Directors named, and how long to hold their offices.

If an election for Directors should not be held on any appointed day, corporation not to be dissolved for that cause.

Stockholders entitled to a greater or lesser number of votes in proportion to their shares, and may vote by proxy.

Directors, half-yearly to make a dividend of the profits.

And every three years to make a statement to the stockholders of the debts due, & surplus profits.

Directors from time to time to make bye-laws, for managing the property, for the duties of their officers, &c. and empowered to appoint their own officers.

Provido.

The State entitled when they may think proper, to subscribe any number of shares, not exceeding 100.

ty of the directors, for the time being shall appoint; and public notice shall be given by the said Directors, in two of the newspapers printed in the said city, of such time and place, not more than twenty, nor less than ten days previous to the time of holding the said election; and the said election shall be held and made, by such of the said stockholders of the said Bank, as shall attend for that purpose, in their own proper persons, or by proxy; and all elections for Directors shall be by ballot, and the thirteen persons who shall have the greatest number of votes at any election, shall be the Directors, except as is herein after directed. And if it should happen at any election that two or more persons have an equal number of votes, in such manner that a greater number of persons than thirteen shall by plurality of votes appear to be chosen as directors, then the said stockholders herein before authorised to hold such election, shall proceed to ballot a second time, and by plurality of votes determine which of the said persons so having an equal number of votes shall be the Director or Directors, so as to compleat the whole number of thirteen; and the said Directors as soon as may be after the said election, shall proceed in like manner to elect by ballot one of their number to be their President; and four of the Directors which shall be chosen at any year, excepting the President, shall be ineligible to the office of Director for one year after the expiration of the time for which they shall be chosen Directors. And in case a greater number than eight of the Directors, exclusive of the President, who served for the last year, shall appear to be elected, then the election of such person or persons above the said number, and who shall have the fewest votes, shall be considered as void, and such other of the stockholders as shall be eligible and shall have the next greatest number of votes, shall be considered as elected in the room of such last described person or persons and who are hereby declared ineligible as aforesaid. And the President, for the time being, shall always be eligible to the office of Director, but stockholders not residing within this State shall be ineligible, and if any Director shall remove out of this State his office shall be considered as vacant: And if any vacancy or vacancies should at any time happen among the Directors by death, resignation or removal from this State, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen by a special election for that purpose, to be held in the same manner as is herein before directed respecting annual elections, at such time and place in the city of New-York as the remainder of the directors for the time being, or the major part of them, shall appoint. And the first Directors shall be Isaac Roosevelt, William Maxwell, Thomas Randall, Daniel M'Cormick, Nicholas Low, William Constable, Joshua Waddington, Samuel Franklin, Comfort Sands, Robert Bowne, Gulian Verplanck, John Murray and William Edgar, and shall hold their offices respectively until the second Tuesday of May next.

And be it further enacted by the authority aforesaid, That in case it should at any time happen, that an election of directors should not be made on any day, when, pursuant to this act, it ought to have been made, the said corporation shall not for that cause, be deemed to be dissolved, but that it shall and may be lawful, on any other day, to hold and make an election of directors, in such manner, as shall have been regulated by the laws and ordinances of the said corporation.

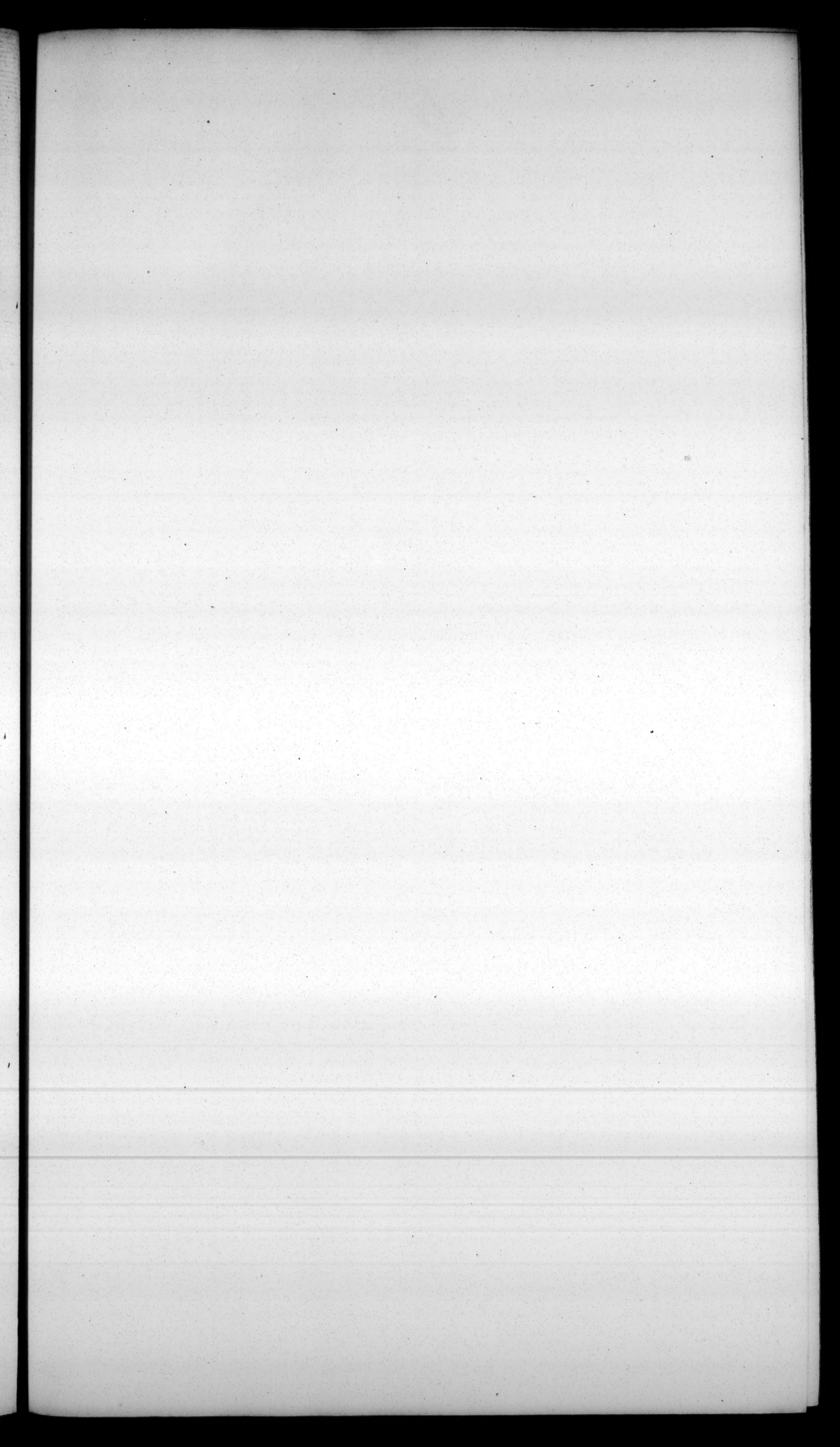
And be it further enacted by the authority aforesaid, That each stockholder shall be entitled to a number of votes proportioned to the number of shares which he or she shall have held in his or her own name at least three months prior to the time of voting according to the following ratio's, that is to say; at the rate of one vote for each share not exceeding four, five votes for six shares, six votes for eight shares, seven votes for ten shares, and one vote for every five shares above ten: Stockholders actually resident within the United States and none other, may vote in elections by proxy.

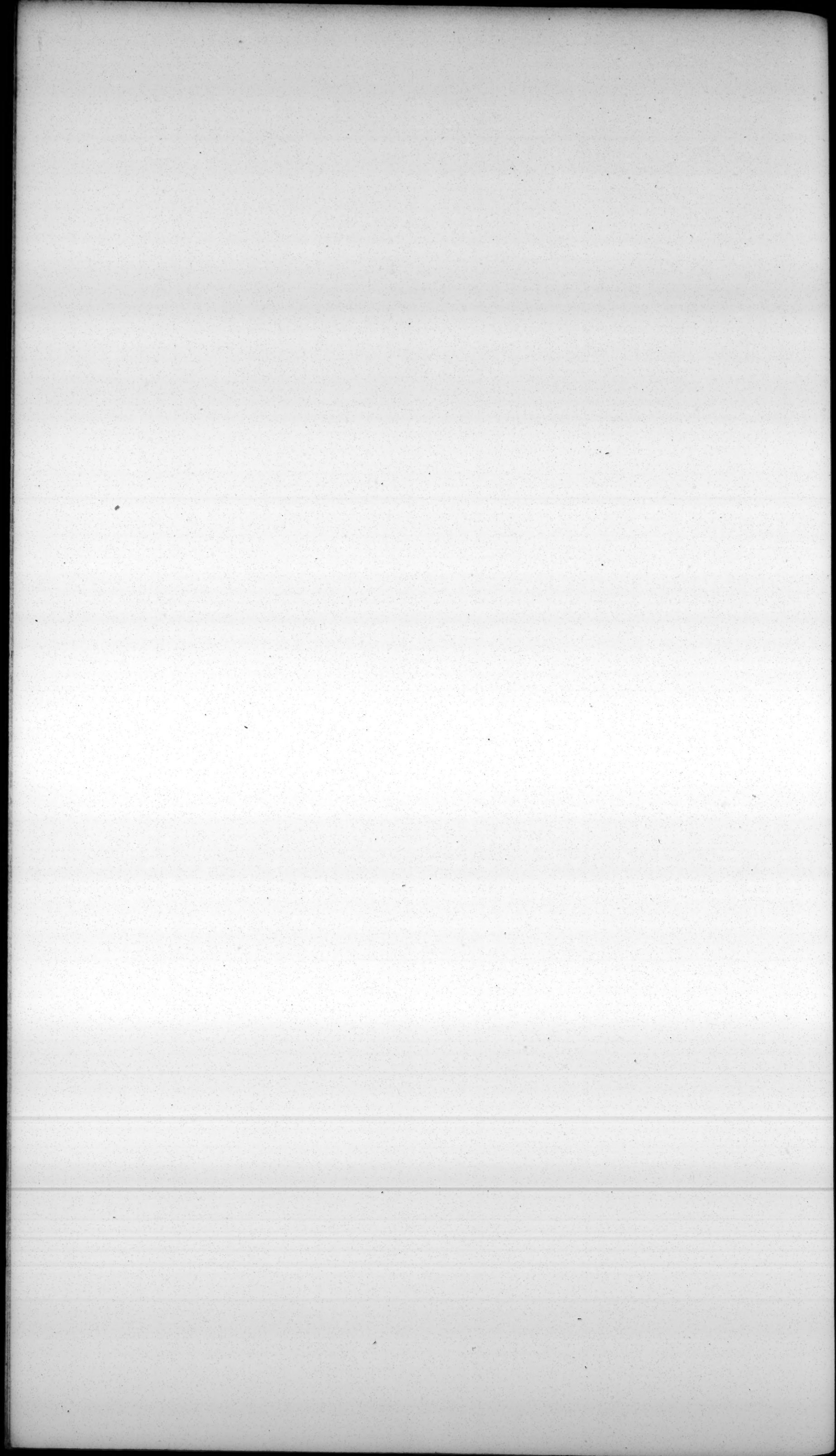
And be it further enacted by the authority aforesaid, That it shall be the duty of the directors to make half yearly dividends of so much of the profits of the said bank, as to them, or a majority of them shall appear advisable; and that once in every three years, and oftner, if thereunto required, by a majority of the votes of the stockholders, to be given agreeably to the ratio's herein before established, they shall lay before the stockholders, at a general meeting, for their information, an exact and particular statement of the debts which shall have remained unpaid, after the expiration of the original credit, for a period of treble the term of that credit, and of the surplus of profits, if any, after deducting losses and dividends.

And be it further enacted by the authority aforesaid, That the directors for the time being, or a major part of them, shall have power to make and prescribe, such bye-laws, rules, and regulations, as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of the said corporation, and touching the duties and conduct of the officers, clerks, and servants employed therein, and touching the election of directors, and all such other matters as appertain to the business of a bank; and shall also have power to appoint so many officers, clerks, and servants, for carrying on the said business, and with such salaries and allowances, as to them shall seem meet.

Provided, That such bye-laws, rules, and regulations, be not repugnant to the constitution and laws of the United States, or of this State.

And be it further enacted by the authority aforesaid, That this State shall have a right to subscribe any number of shares to the said bank, not exceeding in the whole, the number of one hundred, at any time, when they shall by law, authorise any person or persons for that purpose, and the State shall have a right to increase the number of shares and stock, which the said corporation may hold, to the amount of the sum to be subscribed, if the number of shares herein before limited shall be subscribed before such subscription shall take place, on the part of the State.





And be it further enacted by the authority aforesaid, That the total amount of the debts which the said corporation shall, at any time owe, whether by bond, bill, note, or other contract, over and above the monies then actually deposited in the bank, shall not exceed three times the sum of the capital stock subscribed, and actually paid into the bank; and in case of such excess, the directors, under whose administration it shall happen, shall be liable for the same, in their natural and private capacities; but this shall not be construed to exempt the said corporation, or any estate real or personal, which they may hold as a body corporate, from being also liable for, and chargeable with the said excess; but such of the said directors, who may have been absent when the said excess was contracted, or who may have dissented from the resolution or act, whereby the same was so contracted, may respectively exonerate themselves from being so liable, by giving immediate notice of the fact, and of their absence or dissent, to the Mayor or Recorder of the city of New-York, and to the stockholders, at a general meeting, which they shall have power to call for that purpose: *And further,* It shall not be lawful for the said corporation to emit any notes, or contract debts, which shall be payable in the bills of credit, emitted by the laws of this State.

A. D. 1791.
Ind. U. S. XV.

Bank never to owe more than three times the amount of their capital.

And if such excess shall happen, directors to be liable for the same in their private capacities.

Bank to emit no notes payable in the bills of credit of this State.

And be it further enacted by the authority aforesaid, That the lands, tenements, and hereditaments, which it shall be lawful for the said corporation to hold, shall be only such as shall be requisite for its immediate accommodation, in relation to the convenient transacting of its business, or such as shall have been bona-fide mortgaged to it, by way of security or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments, which shall have been obtained for such debts: *And further,* The said corporation shall not directly or indirectly, deal, or trade in buying or selling any goods, wares, merchandize or commodities whatsoever, or in buying or selling any stock, created under any act of the Congress of the United States, or of any particular State, unless in selling the same, when truly pledged to it by way of security, for debts due to the said corporation.

What kind of real property lawful for the bank to hold, and for what use.

Bank not to trade in any kind of merchandize, or buy any stock.

And be it further enacted by the authority aforesaid, That no transfer of the stock of the said corporation shall be valid or effectual in law, until such transfer shall be entered or registered in a book or books, to be kept for that purpose by the directors.

No transfer of bank stock valid, until registered.

And be it further enacted by the authority aforesaid, That the bills obligatory, and of credit, under the seal of the said corporation, which shall be made to any person or persons, shall be assignable by indorsement thereupon, under the hand or hands of such person or persons, and of his, her, or their assignee or assignees, and so as absolutely to transfer and vest the property thereof, in each and every assignee or assignees successively, and to enable such assignee or assignees to bring and maintain an action thereupon, in his, her or their own name or names; and bills or notes, which may be issued by order of the said corporation, signed by the president and countersigned by the principal cashier or treasurer, promising the payment of money to any person or persons, his, her or their order, or to bearer, though not under the seal of the said corporation, shall be binding and obligatory upon the same, in like manner, and with the like force and effect, as upon any private person or persons, if issued by him, her or them, in his, her or their private or natural capacity or capacities, and shall be assignable and negotiable in like manner, as if they were so issued by such private person or persons.

Bank bills obligatory and of credit, assignable by indorsement.

And be it further enacted by the authority aforesaid, That this present act of incorporation shall in no wise be forfeited by any non user whatever, at any time before the second Tuesday in May next, and that it shall on that day, be lawful for the stockholders above-mentioned, to assemble for the purposes of carrying into effect the same, any want of notice in the manner above prescribed, to the contrary, in any wise notwithstanding.

This act of incorporation not to be forfeited for any non user, before a certain day.

And be it further enacted by the authority aforesaid, That this act be, and is hereby declared to be a public act, and that the same be, for the time herein before limited, construed in all courts and places, benignly and favorably, for every beneficial purpose therein intended.

This act declared to be a public act.

C H A P. XXXVIII.

An ACT extending the Law for the Partition of Lands, to the Town of New Paltz, in the County of Ulster. Passed the 21st of March, 1791.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That the act, entitled, "An act for the partition of lands," shall be, and the same is hereby extended to the town of New Paltz, in the county of Ulster, to all intents and purposes, any thing in the said act contained, to the contrary, in any wise notwithstanding.

Act for partition of lands extended to New Paltz.

C H A P. XXXIX.

An ACT to restrain the immoderate use of Spirituous Liquors in the Gaols of the Cities and Counties of New-York and Albany. Passed the 21st of March, 1791.

WHEREAS the immoderate use of spirituous liquors in the gaols of the cities and counties of New-York and Albany, tends to injure the health and corrupt the morals of the persons therein confined. Therefore,

Preamble.

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That from and after the first day of May

A. D. 1791.
Ind. U. S. XV.

No spirituous liquors except table beer or cyder to be sold in the gaols of New-York or Albany, or used therein without a certain permit.

Mayors of New-York and Albany may appoint physicians who may give permits for the use of spirituous liquors in said gaols.

Sheriffs of said gaols to prevent the use of spirituous liquors therein, contrary to the intent of this act.

Sheriffs knowingly permitting spirituous liquors to be sold or used in said gaols contrary to this act, to forfeit 100l.

next, no spirituous liquors, shall upon any pretence whatsoever be sold within the gaol of the city and county of New-York, or within the gaol of the city and county of Albany, nor after the said day shall any kind of spirituous liquors, excepting beer of the quality commonly called table beer, and cyder be brought into either of the said gaols, for the use of any person therein confined, without the permit herein after mentioned.

And be it further enacted by the authority aforesaid, That it shall be lawful to and for the respective Mayors of the said cities, for the time being, occasionally to appoint one or more physician or physicians, in each of the said cities respectively, who are hereby authorised, in such cases where they may deem the same to be necessary or useful, to grant permits in writing under their hands from time to time to any person confined in the said gaols, to procure and bring into the said gaols respectively such quantity of spirituous liquors as they may think proper.

And be it further enacted by the authority aforesaid, That it shall be, and it is hereby declared to be the duty of the sheriffs of the said cities and counties respectively, having the custody of the said gaols respectively, to prevent the use of any spirituous liquors therein, contrary to the true intent and meaning of this act.

And be it further enacted by the authority aforesaid, That if any sheriff of either of the said cities and counties respectively, shall knowingly suffer or permit any spirituous liquors to be sold or used in their respective gaols contrary to the true intent and meaning of this act, and shall be thereof convicted before the supreme court, or court of oyer and terminer, shall for every such offence forfeit the sum of one hundred pounds for the use of the people of this State.

C H A P. XL.

An ACT for the direction of the Loan-Officers, and for the apportionment of losses on the monies loaned by the people of this State, in the late counties of Albany and Montgomery.

Passed the 21st of March, 1791.

Any lands mortgaged to the loan-officers and by them exposed to sale, that shall not be bid off for the amount of the mortgage shall be entered into by the loan-officers, and by them let, for the benefit of the county, until a certain day.

When they shall be sold to the highest bidder.

And if any deficiency shall happen, loan-officers shall notify the supervisors, who shall cause such deficiency to be raised and paid.

But if the mortgagor shall before such sale, pay the sum due, then he may again take possession.

Reciting that the counties of Albany & Montgomery have been divided.

All losses which may happen on mortgages, taken on lands in Cambridge and Easton, to be borne by said towns and supervisors of Washington to cause the same to be raised and paid to the loan-officers of Albany.

All losses which may happen in the county of Rensselaer, to be borne by said county, and supervisors to cause the same to be raised and paid to the loan-officers of Albany.

BE it enacted by the people of the State of New-York represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That when any lands, tenements, or hereditaments mortgaged to the loan-officers of any city or county shall be exposed to sale by the loan-officers according to the act, entitled, "An act for emitting the sum of two hundred thousand pounds, in bills of credit, for the purposes therein mentioned, and no person shall bid or offer at such sale, to give for the same lands, tenements or hereditaments, the sum of money for which the same were mortgaged and then remaining unpaid with the interest then due thereon, or if any person to whom any such lands, tenements or hereditaments shall at any such sale be struck off, shall not pay for the same, then and in every such case the loan-officers shall enter into and take possession of the said lands, tenements and hereditaments, and let the same upon the best terms they can for the benefit of the county until the third Tuesday of April then next, and shall on the same third Tuesday in April then next sell the same lands, tenements and hereditaments at public vendue, to the highest bidder, giving at least six weeks notice of such sale in the manner directed by the said act; and if any deficiency shall happen by such sale, the loan-officers shall give notice thereof to the supervisors of the county in which the lands, tenements and hereditaments are situated, at their then next meeting, who shall cause such deficiency to be raised and paid to the loan-officers on or before the first Tuesday in October then next, but if the mortgagor or his heirs or assigns shall at any time before sale of the mortgaged premises pay to the loan-officers all such sums as shall be payable on such mortgage on the third Tuesday of June then next, for principal and interest, together with the charges of advertising the same, then the said loan-officers shall accept the same, and permit the said owner or his heirs or assigns to take possession of the said mortgaged premises, and to hold the same until default shall be made in the payment of any further sum on the said mortgage.

And whereas, Since the passing of the said act, the then counties of Albany and Montgomery have been divided into several counties; and the towns of Cambridge and Easton, have been added to the county of Washington: Therefore,

Be it further enacted by the authority aforesaid, That all losses which may happen on any mortgage of any lands, tenements or hereditaments, situated in Cambridge or Easton, taken by virtue of the said act, shall be borne by the said towns, and the supervisors of the county of Washington, shall cause all such deficiencies to be raised in the same towns, and to be paid to the loan-officers of the county of Albany; and no part of any losses or deficiencies, which have happened or may happen, on any mortgage of any lands, tenements or hereditaments, situated in any other part of the county of Washington, taken by virtue of the said act, shall be borne or raised in the said towns of Cambridge and Easton, or either of them: And all losses and deficiencies which may happen on any mortgage of any lands, tenements or hereditaments, situated in the county of Rensselaer, taken by virtue of the said act, shall be borne by the same county of Rensselaer, and the supervisors of the same county shall cause the same to be raised in the same county, and paid to the loan-officers of the county of Albany: And all losses and deficiencies which may happen on any mortgage of any lands, tenements or hereditaments, situated in the county of Saratoga, taken by virtue of the said act, shall be borne by

the same county of Saratoga, and the supervisors of the same county, shall cause the same to be raised in the same county, and paid to the loan-officers of the county of Albany: And all losses and deficiencies, which may happen on any mortgage of any lands, tenements or hereditaments, situated in the county of Albany, as the same county is now limited, taken by virtue of the said act, shall be borne and raised in, and by the same county of Albany: And all losses and deficiencies which may happen on any mortgage of any lands, tenements or hereditaments, situated in the county of Otsego, taken by virtue of the said act, shall be borne by the said county of Otsego, and the supervisors thereof, shall cause the same to be raised in the same county, and paid to the loan-officers of the county of Montgomery: And all losses and deficiencies which may happen on any mortgage of any lands, tenements or hereditaments, situated in the county of Herkemer, taken by virtue of the said act, shall be borne by the said county of Herkemer, and the supervisors thereof, shall cause the same to be raised in the same county, and paid to the loan-officers of the county of Montgomery: And all losses and deficiencies which may happen on any mortgage of any lands, tenements or hereditaments situated in the county of Montgomery, as now limited, taken by virtue of the said act, shall be borne and raised in and by the said county of Montgomery.

And be it further enacted by the authority aforesaid, That the judges of the courts of common pleas, and the supervisors of the counties of Albany, Columbia, Rensselaer and Saratoga, and the supervisors of the towns of Cambridge and Easton, collectively, shall and may execute and perform the duties enjoined on them by the said act, in like manner, as if the division of the county of Albany had never been made, except as to causing the losses and deficiencies to be raised, which shall be done by the supervisors in each county as aforesaid.

And be it further enacted by the authority aforesaid, That the judges of the courts of common pleas and the supervisors of the counties of Montgomery, Otsego and Herkemer collectively, shall and may execute and perform the duties enjoined on them by the said act, in like manner, as if the division of the county of Montgomery had never been made, except as to the causing the losses and deficiencies to be raised, which shall be done by the supervisors in each county as aforesaid.

And be it further enacted by the authority aforesaid, That all sales of any lands, tenements or hereditaments, by the loan-officers of the county of Albany, or the loan-officers of the county of Montgomery, to be made by virtue of the said act or this act, shall be made at the courthouse, or place where the court of common pleas shall be then last held, in the county where the same lands, tenements or hereditaments are situated, and shall be by the loan-officers advertised accordingly, any thing in the said act to the contrary notwithstanding: But if it shall so happen, that the said loan-officers cannot attend at the different sales on the day before mentioned, then it shall be lawful for them, by advertisement, to adjourn any sale to a further day, not exceeding fourteen days.

A. D. 1791
Ind. U. S. XV.

All losses which may happen in the county of Saratoga to be borne by said county, & supervisors to cause the same to be raised and paid to the loan-officers of Albany.

All losses which may happen in the present county of Albany, to be borne by said county.

All losses happening in Otsego county, to be borne by said county, and paid to loan-officers of Washington county.

All losses happening in Herkemer county, to be borne by said county, and paid to the loan-officers of Washington county.

All losses happening in the present county of Montgomery, to be borne by said county.

Judges and supervisors of the counties of Albany, Columbia, Rensselaer and Saratoga, and supervisors of the towns of Cambridge and Easton, to execute their duties as if the county of Albany had not been divided.

Judges and supervisors of Montgomery, Otsego and Herkemer, to execute their duties as if the county of Montgomery had not been divided.

All sales made by the loan-officers where to be held, and to be notified by advertisements.

C H A P. XLI.

An ACT for building a School-House and maintaining a School in the Town of Clermont.

Passed the 27th of March, 1791.

WHEREAS the magistrates, town-officers and other inhabitants of the town of Clermont, in the county of Columbia, have by their petition represented to the Legislature, that there are monies in the hands of the overseers of the poor in the said town, arising from the excise and from fines which are not wanted for the relief of the poor, and prayed that so much of the said money as may remain in the hands of the said overseers on the first day of April next, and shall not then be wanted for the support of the poor of the said town, may be by law appropriated to the purpose of building a school-house and maintaining a school-master in the same town; and that Robert R. Livingston, Samuel Ten Broeck, John Cooper, William Wilton, Marks Blatner and George Best, or a majority of them may be authorised and directed to put such law in force. Therefore,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the overseers of the poor of the said town of Clermont, for the time being, and they are hereby directed to pay to the order of the said Robert R. Livingston, Samuel Ten Broeck, John Cooper, William Wilton, Marks Blatner, and George Best, or the majority of them, all such monies, arising from the duty of excise and from fines, as may remain in the hands of the same overseers, on the said first day of April next, and which may not be then wanted for the support of the poor of the said town: And the said Robert R. Livingston, Samuel Ten Broeck, John Cooper, William Wilton, Marks Blatner, and George Best, or the majority of them are hereby authorised and directed to appropriate the said money to the building of a school-house, and maintaining of a school-master in such part of the said town, and in such manner as they or the major part of them shall judge to be most convenient and beneficial for the inhabitants of the said town; and to purchase or procure a convenient piece of land for that purpose; and they are hereby directed to take the conveyance of such land to the supervisor, town clerk and overseers of the poor of the said town of Clermont, for the time being, and their successors in office.

Preamble, reciting that there is a surplus of money in the hands of the overseers of the poor of Clermont beyond what is necessary to support the poor.

And that the inhabitants have prayed leave to apply the same to build a school-house and support a school-master.

Overseers of the poor to pay such surplus money to Robert R. Livingston and others.

Who are directed to appropriate said money to build a school-house in such part of the town as may be most convenient.

And to purchase a lot, which is to be conveyed to the supervisor, town clerk, &c.

A. D. 1791.
Ind. U. S. XV.

Said Livingston and others when thereunto required, to account to supervisor, town clerk, &c. for the appropriation of said money.

Said supervisor, town clerk, &c. to be trustees of said school.

And be it further enacted by the authority aforesaid, That the said Robert R. Livingston, Samuel Ten Broeck, John Cooper, William Wilton, Marks Blatner, and George Best, shall, whenever they shall be thereunto required, render an account of their appropriation and disposition of the said money, to the supervisor, town clerk and overseers of the poor of the said town of Clermont for the time being, and as soon as the said monies shall be expended, for the purposes aforesaid, then the supervisor, town clerk and overseers of the poor of the said town of Clermont for the time being, and their successors in office, shall be and hereby are constituted and appointed trustees, to superintend and direct the said school; and it shall be lawful for them from time to time, to apply all such monies as may come to the hands of the overseers of the poor for the said town for the time being, and which may not be wanted for the support of the poor of the said town, to the purpose of repairing the said school-house, and paying a school-master for teaching a school therein.

C H A P. XLII.

An ACT to amend an act, entitled, "An act for the Sale and Disposition of Lands belonging to the People of this State, and for other purposes therein mentioned."

Passed the 22d of March, 1791.

Commissioners with certain exceptions, to grant all the waste lands of the state, in such manner, and on such conditions as they may think proper.

Proviso, Governor to be present at the making of any contract.

Surveyor-general to execute all orders he may receive from the commissioners.

Letters patent to issue to purchasers when they have paid the full purchase money, and to contain an exception of gold and silver mines.

Commissioners annually to lay an account of their contracts and expences before the legislature.

Commissioners may draw 400l. from the treasury, to execute this act.

Surveyor-general authorized to sell fifty acres out of every military lot, on which the forty-eight shillings to which the said lots are subjected, shall not be paid by a certain day.

Recital.

Locations with claims made on appropriated lands, may be taken up, and laid anew, on other lands not appropriated.

Commissioners to grant to John Cockley, late a soldier the quantity of land he would have been entitled to, had he been returned in the muster-rolls.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the commissioners of the land-office, and they hereby are authorized to sell and dispose of any of the waste and unappropriated lands in this State, in such parcels, on such terms, and in such manner as they shall judge most conducive to the interest of this State, except the lands in the southern district of this State, and all lands reserved by any act of the legislature, for the use of this State, and the lands in the town of Canaan, in the county of Columbia, and the lands which have been set apart for the use of the army, and which are situate in the county of Herkemer, any thing in any law of this State contained to the contrary, notwithstanding. *Provided always,* That no sales or contracts for lands, shall be made in pursuance of this act, by the commissioners of the land-office, unless the person administering the government for the time being, shall be present.

And be it further enacted by the authority aforesaid, That the surveyor-general shall execute such orders, as he may from time to time receive from the commissioners of the land-office for carrying this act into effect.

And be it further enacted by the authority aforesaid, That the person administering the government for the time being, shall issue letters patent for the lands so to be disposed of as aforesaid, whenever the purchaser or purchasers of the same, shall have respectively made payment in full for their respective purchases; which letters patent shall be in such form and words, as the said commissioners shall direct, and shall contain an exception and reservation of gold and silver mines, to the People of this State.

And be it further enacted by the authority aforesaid, That it shall be the duty of the said commissioners, annually to lay before the legislature, an account of the sales and contracts by them made, and expences incurred in pursuance of this act.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said commissioners, by warrant, under the hand of the person administering the government of the state for the time being, to draw from the treasury of the State, a sum not exceeding four hundred pounds, to enable them to execute the trust committed to them by this act.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the surveyor-general, to sell the quantity of fifty acres of land, in any one of the corners of the respective lots, to be laid out, and subjected to the payment of forty-eight shillings, in and by the act, entitled, "An act to carry into effect the concurrent resolutions and acts of the legislature, for granting certain lands, promised to be given as bounty lands, and for other purposes therein mentioned," in every lot, on which the said sum of forty-eight shillings shall remain unpaid, after the first day of July, in the year of our Lord, one thousand seven hundred and ninety-two, any thing in the said act to the contrary notwithstanding.

And whereas, Locations may have been made on unappropriated lands, with certificates for military bounties, which may be found to interfere with prior appropriations, whereby persons having made such locations, may lose the benefit of their certificates, unless further legislative provision be made: Therefore,

Be it further enacted by the authority aforesaid, That it shall and may be lawful for the surveyor-general, in all cases where locations have been made or shall be made, and for which he cannot give the usual certificate, to enable the person or persons, to obtain a patent or patents for the same, by reason of prior interfering appropriations, to accept locations on other unappropriated land, not inhibited from locations, from such person or persons, or their representatives, for the like number of acres, at any time before the first day of January next.

And be it further enacted by the authority aforesaid, That the commissioners of the land-office be, and they are hereby directed to grant to John Cockley, late a soldier in the first New-York regiment, the proportion of land he would have been entitled to, by any former law of the State, if his name had been inserted in the muster-roll of the regiment aforesaid, out of any lands set apart for the troops of the line of this State, lately serving in the army of the United States.

And be it further enacted by the authority aforesaid, That the treasurer of this State is hereby directed and required to pay to the surveyor-general, the sum of four hundred pounds to enable him to compleat the subdivision of the townships ordered to be laid out for the use of the troops of the line of this State lately serving in the army of the United States, which said sum shall be charged, collected and paid into the treasury by the secretary in like manner as he is directed to charge, collect and pay into the treasury the sum of four hundred pounds, ordered to be paid by the treasurer to the surveyor-general in and by the act, entitled, "An act to carry into effect the concurrent resolutions and acts of the Legislature for granting certain lands promised to be given as bounty lands, and for other purposes therein mentioned.

A. D. 1791.
Ind. U. S. XV.

Treasurer to pay surveyor-general 400l. which sum is to be repaid into the treasury by the secretary, as herein directed.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the commissioners of the land-office, to grant to the person entitled to the same the land agreed by the treaty with the Cayuga Indians to be given to a white person married to a Cayuga named Thaniowes, according to the stipulation of the said treaty.

A tract of land to be granted to a white person, married to a Cayuga, named Thaniowes.

And be it further enacted by the authority aforesaid, That all the estate, right, title, interest, claim and demand of the people of the State of New-York, of, in and to any lands, tenements, or hereditaments in the town of Canaan, in the county of Columbia, now possessed by any person or persons, shall be and hereby is granted to the respective possessors of such lands, tenements and hereditaments, and to the heirs and assigns of such possessors respectively forever. *Provided always,* That such possessor or possessors, shall be construed and taken to be the person or persons holding in his or her own right, and not occupying and improving in the right of another.

Title of the state to any lands in the town of Canaan, Columbia county, vested in the present possessors.

Proviso.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the commissioners of the land-office, and they are hereby authorized and required to grant to such persons and their legal representatives the lands to which they are respectively entitled by the act, entitled, "An act for granting certain lands in the town of Chemung at any time before the first day of March next. *Provided,* That the persons entitled to such grants shall pay into the treasury the sum of one shilling and six-pence in specie, or in certificates of the United States other than indents per acre for the land to be granted to them respectively, any thing in the said act to the contrary notwithstanding. *And Provided further,* That no interest shall be computed on any such certificate after the twelfth day of April next, which shall be so paid into the treasury as aforesaid.

Commissioners of the land-office, may grant lands in the town of Chemung, to the persons entitled to the same, at any time before a certain day.

Proviso.

C H A P. XLIII.

An ACT to enable Francois Christophe Mantel and the several other persons therein named, to purchase and hold real estates within this State.

Passed the 22d of March, 1791.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful for Francois Christophe Mantel, Samuel Clowes, jun. Samuel Richardet, William Robert O'Hara, Erick Glad, George Turnbull, Thomas Mounsey and Jan Bernhard respectively, to purchase lands, tenements and hereditaments within this State, and to have and to hold the same to them respectively, and their respective heirs and assigns forever, as fully to all intents and purposes as any natural born citizen may or can do, any law, usage or custom to the contrary notwithstanding.

The several persons herein named authorized to purchase and hold real estates, as tho' they were natural born citizens.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for George Clarke, who is great grand-son of George Clarke, formerly lieutenant-governor of New-York, to purchase any lands, tenements or hereditaments within this State, and to have and to hold the same, and all other lands, tenements and hereditaments, which he may now be entitled to within this State, by purchase of descent to him the said George Clarke first above-named, his heirs and assigns, to his and their own proper use and behoof forever, and to sell and dispose of the same or any part thereof as fully, to all intents and purposes, as any natural born citizen may or can do, any law, usage or custom to the contrary notwithstanding.

George Clarke, great grandson of George Clarke, formerly governor of New-York, empowered to purchase and hold real estate as though he was a natural born citizen.

C H A P. XLIV.

An ACT for the Payment of the Salaries of the Officers of Government and other contingent Charges.

Passed the 24th of March, 1791.

BE it enacted by the people of the State of New-York represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That the treasurer of the State shall pay out of any unappropriated money in the treasury, the sums of money herein after directed, that is to say;

Treasurer to pay the several sums of money herein after directed, that is to say,

To his excellency the Governor, for administering the government of the State, from the first day of July last, to the first day of July next, at and after the rate of fifteen hundred pounds.

To the governor for administering the government, the sum of 1500l.

To the person administering the government of the State for the time being, to defray the incidental charges which may arise in and about administering the government, such sum and

To the governor, to defray the incidental expences of government, 150l.

A. D. 1791.
Ind. U. S. XV.

To Robert R. Livingston, chancellor, 600l.

To Richard Morris, late chief justice, at the rate of 600l.

To Robert Yates, now chief justice, at the rate of 600l.

To John Sloss Hobart, one of the judges, 600l.

To John Lansing, junior, one of the judges, at the rate of 600l.

To the members of the council of appointment, 16s. per day.

To the members of the legislature, 16s. per day.

To the clerks of the Senate and Assembly, 30s. per day, besides monies advanced by them.

To the sergeant at arms, 16s. per day.

To the door-keepers of the Senate and Assembly, 16s. per day.

To the secretary of the state for attending the legislature, and council of appointment 60l.

To the secretary for copying and recording the laws, &c. the amount of his account as audited.

To the governor's secretary, 125l.

To the committee appointed to canvass ballots, 16s. per day.

Treasurer to retain in his own hands 500l. and the amount of his incidental charges.

Treasurer also to pay the following sums.

To the auditor 350l.

sums of money, as he shall from time to time, by warrant under his hand and the privy seal of the State, draw from the treasury for the purpose, not exceeding in the whole the sum of one hundred and fifty pounds.

To Robert R. Livingston, Chancellor of the State, for his services in that station, from the first day of July last to the first day of July next, at and after the rate of six hundred pounds.

To Richard Morris, late Chief Justice of this State for his services in that station from the first day of July last to the day when by the constitution he became disabled to hold the said office, at and after the rate of six hundred pounds.

To Robert Yates, now Chief Justice of the State, for his services as one of the judges of the supreme court from the first day of July last to the first day of July next, at and after the rate of six hundred pounds.

To John Sloss Hobart, one of the Judges of the Supreme Court of the State for his services in that station from the first day of July last until the first day of July next, at and after the rate of six hundred pounds.

To John Lansing, junior, one of the judges of the supreme court of the State, for his services in that station, from the day of his appointment to that office, to the first day of July next, at and after the rate of six hundred pounds for a year.

To the members of the Council of Appointment, at and after the rate of sixteen shillings per day, for their attendance in council, in the recess of the legislature, and for the time of their travelling from and to their respective places of abode; such travelling charges, to be computed, at and after the rate of thirty miles per day, according to such accounts as they shall severally produce, certified by the clerk of the said council.

To each of the members of the Senate and Assembly, for each and every day they shall have attended in Senate and Assembly, during the present meeting of the legislature, and for each and every day they shall have been, or may be travelling from and to their respective places of abode, to the place of the said meeting of the legislature, the sum of sixteen shillings for each day; such travelling charges to be computed, at and after the rate of thirty miles per day, agreeable to such accounts thereof, as they shall respectively produce, certified by the President of the Senate, or the Speaker of the Assembly, as the case may be; and the account of the President of the Senate, to be certified by the clerk of the Senate, and the account of the Speaker of the Assembly, to be certified by the clerk of the Assembly.

To John McKesson and Abraham B. Bancker, clerks of the Senate and Assembly each, the sum of thirty shillings per day, for their respective services, during the sessions of the legislature; and also the amount of such accounts, for monies by them advanced respectively, for the use of the Senate and Assembly, as they shall respectively produce, certified by the President of the Senate, or Speaker of the Assembly, as the case may require.

To the sergeant at arms, at and after the rate of sixteen shillings per day, for such time as he has attended the legislature, agreeable to such certificate thereof, as he shall produce, signed by the Speaker of the Assembly.

To the door-keepers of the Senate and Assembly, at and after the rate of sixteen shillings per day, agreeable to such certificate thereof, as they shall respectively produce, certified by the President of the Senate, or Speaker of the Assembly, as the case may require.

To the Secretary of the State, for attending the legislature, for the purpose of receiving the laws and attending the Council of Appointment, from the first day July last, until the first day of July next, at and after the rate of sixty pounds.

To the said Secretary, for his services in recording the laws, for making copies thereof with marginal notes for the press, and making copies thereof, by the direction of the Governor or of the Senate and Assembly, and for engrossing the minutes of the Council of Appointment, from time to time, at and after the rate of one shilling and six-pence per sheet each sheet to consist of one hundred and twenty-eight words; And for every commission of oyer and terminer, and general gaol delivery, and general commission of the peace, issued or to be issued between the first of July last and the first of July next, the sum of twenty shillings, agreeable to such accounts thereof, as he shall produce, audited by the Auditor of this State.

To the Secretary to his excellency the Governor, at and after the rate of one hundred and twenty-five pounds per annum.

To each member of the committee, appointed at the last session of the legislature, for canvassing and counting the ballots, for members, elected to serve in the House of Representatives of the Congress of the United States, and also for canvassing and counting the ballots for Senators of this State, for every day he attended on such service, the same pay, and also the same allowance for mileage, as by this act is allowed to the members of the legislature.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for Gerard Bancker, treasurer of this State, to retain in his own hands, the sum of five hundred pounds, for his services as treasurer, from the first day of July last, to the first day of July next; And the further sum of four hundred and twenty-two pounds, four shillings and eight-pence, for the incidental charges of his said office.

And be it further enacted by the authority aforesaid, That the said treasurer shall pay to the following persons, the sums herein after mentioned, viz.

To Peter T. Curtenius, Auditor for the State, the sum of three hundred and fifty pounds, for his services as Auditor, for one year, ending the the twenty-third day of March, instant.

To Simeon De Witt, Surveyor-General, the sum of four hundred pounds, as his salary, from the first day of May last, to the first day of May next; he accounting with the said Auditor, and paying into the treasury, all fees, by him, during the same period received, as Surveyor-General; and the further sum of one thousand seven hundred and forty-seven pounds, eight shillings and six-pence, being the amount of his account, for causing a survey of the out-lines of eighteen townships, of the lands set apart for the troops of this State, lately serving in the army of the United States, deducting thereout, the sum of five hundred and forty-seven pounds nine shillings and eleven pence half-penny, which hath already been received by him on account of the same.

A. D. 1791.
Ind. U. S. XV.

To the Surveyor-general, 400l. he accounting for fees received by him.
And the further sum of 1747l. 8s. 6d. for certain services performed.

To Nicholas Fish, adjutant-general of the militia of the State, the sum of three hundred and fifty pounds, in full for his salary, from the thirteenth day of April last, to the thirteenth day of April next.

To the adjutant-general, 350l.

To Sebastian Bauman, commissary of military stores, at and after the rate of forty pounds, for his salary, from the first day of July last, to the first day of July next.

To the commissary of military stores 40l.

To his excellency the Governor, the further sum of two hundred and sixty pounds, in full for the rent of the house he now resides in, from the first day of May last, to the first day of May next.

To the governor for house-rent, 260l.

To the person administering the government for the time being, the sum of six hundred and forty pounds in specie, to pay the Oneida, Onondaga and Cayuga Indians, being the amount of the annuities payable to them in pursuance of certain treaties, heretofore concluded between them, and the commissioners on behalf of this State; together also, with such farther sum or sums of money, for incidental charges attending Indian affairs, as he shall from time to time, by warrant under his hand and the privy seal of the State, draw from the treasury, not exceeding in the whole, the sum of two hundred pounds.

To the governor to pay annuities to certain Indians, 640l. specie.

And 200l. for incidental charges in Indian affairs.

To Aaron Burr, for his services as Attorney-general of this State, at and after the rate of four hundred pounds, for his salary, from the first day of July last, to the first day of July next.

To the attorney-general 400l.

And whereas, There remains in the hands of the master and wardens of the port of New-York, the sum of one thousand two hundred and fifty-two pounds, six shillings and eight-pence, arising from the monies received by virtue of the act, entitled, "An act to lay a duty of tonnage on vessels, for defraying the expences of the light-house at Sandy-Hook, and the further sum of four hundred and seventy-four pounds and four-pence, received for oil and cotton wick, sold to the United States: And the clerk of the said master and wardens, hath in his hands, the further sum of one hundred and thirty-eight pounds, nine shillings and ten-pence, arising by virtue of the said act, after deducting the commission charged by him: Therefore,

Reciting that there are certain monies remaining in the hands of the master and wardens of New-York, as well as in the hands of their clerk.

Be it further enacted by the authority aforesaid, That the said master and wardens, and their clerk, shall be and hereby are respectively directed and required, within one month after the passing of this act, to pay the said sums respectively to the treasurer of this State, for the use of the people of this State; and that such payments shall be in full of all ballances now due from them, and each of them, on the accounts above mentioned.

Said master, wardens and clerk, directed to pay said sums to the treasurer.

And be it further enacted by the authority aforesaid, That the treasurer of this State pay to Pierre Van Cortlandt, Ezra L'Hommedieu, Richard Varick, Peter Gansevoort, junior, and Abraham Ten Broeck, commissioners appointed by a law of this State, to hold treaties with the Indians, for each and every day they were employed at the late treaty held at Fort Stanwix, in the county of Montgomery; and for each and every day they were travelling from and to their places of abode, to the place of holding the said treaty, at the rate of sixteen shillings per day agreeable to such accounts thereof, as they shall respectively produce, audited by the auditor of this State.

Treasurer to pay the commissioners appointed to hold treaties with the Indians, 16s. per day.

And be it further enacted by the authority aforesaid, That the treasurer pay to Sampson Occum, the sum of fifteen pounds, according to a resolution of the Senate and Assembly, requesting the said treasurer to advance the same; and also that the treasurer pay the following sums, viz.

To Sampson Occum 15l.

To Francis Childs, for his salary, as printer for the State, from the eleventh day of January last, to the eleventh day of January next inclusive, at and after the rate of one hundred pounds per annum, in quarterly payments; and the further sum of twenty-five pounds, for his extra services during the present session.

To the state printer 125l.

To James Farlie, clerk of the courts of oyer and terminer and general gaol delivery for this State, for his services in that station from the first day of July last to the first day of July next, at and after the rate of two hundred pounds per annum.

To the clerk of the court of oyer and terminer. 200l.

And be it further enacted by the authority aforesaid, That the treasurer of this State pay to each of the commissioners appointed by laws of this State respecting the district or territory called Vermont, at and after the rate of sixteen shillings per day, for each and every day they shall have been actually employed in that service, or in going to or returning from their several places of abode, together with their incidental charges, agreeable to such accounts thereof, as they shall severally produce, certified by the auditor of the State; the said commissioners at the same time accounting for such sums of money, as they severally have received, towards defraying the said incidental charges.

To the commissioners appointed respecting Vermont, 16s. per day, besides their incidental charges.

And be it further enacted by the authority aforesaid, That the treasurer of the State be, and he is hereby authorized and required to pay out of any money in the treasury not otherwise ap-

A. D. 1791.
Ind. U. S. XV.

To Gerard Bancker, Richard Varick and John Watts, to finish the government-house and to furnish it, 3300l.

Treasurer to sell such cannon in New-York as are unfit for service.

Governor authorized to draw from the treasury 1000l. to prevent incursions of hostile Indians.

Treasurer to pay commissioners for receiving and stating claims against the state, 150.

propriated, to the order of Gerard Bancker, Richard Varick and John Watts, such farther sums of money, not exceeding the sum of two thousand five hundred pounds, as they shall deem necessary for the purpose of compleating the house and other buildings directed to be built, in and by the act, entitled, "An act for securing and improving certain lands in the city of New-York for public uses, and for other purposes therein mentioned," and also the further sum of eight hundred pounds to be laid out in furniture, to belong to and be used in the said government house.

And be it further enacted by the authority aforesaid, That the treasurer of this State, do sell and dispose of, in such way as he shall think most for the interest of the State, all such cannon belonging to the State, as are in the city of New-York, which the commissary of military stores shall judge unfit for service.

And be it further enacted by the authority aforesaid, That his excellency the Governor be, and he is hereby authorized to draw (in case he shall deem it necessary,) from the treasury of the State, a sum, not exceeding one thousand pounds, to be by him applied, during the recess of the legislature, in such manner as he shall judge most expedient, to prevent any incursions of hostile Indians into this State.

And be it further enacted by the authority aforesaid, That the treasurer of this State be, and he is hereby authorized to pay to Gerard Bancker, Peter T. Curtenius, and Aaron Burr, the sum of one hundred and fifty pounds, for their services as commissioners, appointed by an act, entitled, "An act to receive and state accounts and claims against this State."

C H A P. XLV.

An ACT to enable the Regents of the University, to establish a College of Physicians and Surgeons within this State. Passed the 24th of March, 1791.

Regents of the university authorized to establish a college of physicians and surgeons to consist of thirteen trustees or members.

Proviso, property of said college never to exceed 60,000l.

And the regents to reserve to themselves the right of conferring degrees, appointing professors, &c.

Such college so to be established, to be a corporation, &c.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the Regents of the University, if they shall judge it proper and necessary, and they are hereby authorized to establish, under their common seal, a college of physicians and surgeons, for the sole purpose of promoting medical science, to consist of at least, thirteen trustees or members, who shall be vested with such powers and privileges, as the said Regents shall judge best calculated to answer the purposes of such an institution: *Provided always,* That the amount of the property which the said college shall or may be authorized to hold, shall never exceed in value, sixty thousand pounds, current money of New-York; and that the said Regents reserve to themselves the right of conferring degrees and appointing the professors or teachers of the several branches of the medical science in the said college, and of filling all such vacancies, as shall or may arise among the trustees or members thereof: *And provided also,* That any of the trustees of the said college shall, in the discretion of the Regents of the University, be appointed professors and teachers in the said college, any law to the contrary notwithstanding.

And be it further enacted by the authority aforesaid, That the college so to be established, shall be forthwith thereafter a corporation, and shall be known by such name, as the said Regents shall direct and appoint, and shall have, hold and enjoy, to them and their successors, all such powers, rights, privileges and immunities, not inconsistent with the constitution and laws of this State, as shall be for that purpose declared, by the said Regents in their said act of establishment.

C H A P. XLVI.

An ACT for the more effectual prevention of Fires, and to regulate certain Buildings in the City of New-York. Passed the 24th of March 1791.

Preamble.

All houses of three or more stories, in New-York, hereafter to be built of brick or stone, and covered with slate or tile, except the flat roof.

Proviso.

Penalty inflicted for building any house contrary to the intent of this act.

WHEREAS the frequent instances of fire in populous cities, renders it necessary to use every possible precaution against such calamities; *And whereas,* the regulation of the buildings of the said city, will greatly contribute thereto: Therefore,

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That every dwelling house or other building whatsoever, which shall be erected or built within the said city, to the south and west of a line beginning at the outlet of the meadow of Anthony Lispenard into Hudson's river, and thence running to and along the north side of the dwelling house of Nicholas Bayard, thence to and along the north side of the dwelling house of Richard Platt, and thence to and along the north side of the dwelling house of Abraham Cannon to the East River, consisting of three or more stories, shall be made and constructed of stone or brick with party or fire walls rising twelve inches above the roof, and shall be covered except the flat roof thereof with tile or slate or other safe materials against fire, and not with board or shingles: And that the flat of any roof may be covered with boards or shingles. *Provided* such flat do not exceed two equal fifth parts of the space of such roof, and there be erected around the same flat a substantial balcony or balustrade. And if any dwelling house or other building whatsoever, shall be erected or roofed contrary to this act, the proprietor or proprietors thereof shall for every such offence forfeit and pay the sum of fifty pounds; and the workmen who shall build or roof such dwelling house or other building contrary to this act, shall for every such offence forfeit and pay

the sum of twenty-five pounds, to be recovered with costs of suit in any court of record within this State, by any person or persons who will sue or prosecute for the same to effect; the one moiety or half part of which penalties, when recovered, to be paid to the treasurer or chamberlain of the said city, for the use of the poor thereof.

Provided always, and be it further enacted by the authority aforesaid, That if any dwelling-house or other building, already erected, or that shall have been erected within the said city, to the southward and westward of the line aforesaid, before the said first day of January, which will be in the year of our Lord, one thousand seven hundred and ninety-two, shall at any time thereafter require to be new roofed, it shall and may be lawful for the proprietor or proprietors thereof, to roof the same with boards or shingles, or in such other way and manner as was customary before the passing of this act, any thing herein contained to the contrary, in any wise notwithstanding.

And whereas, It may be expedient to erect dwelling-houses and other buildings on new made ground, in divers parts of the said city, where no sufficient foundation can be laid for heavy edifices of stone or brick: Therefore,

Be it further enacted by the authority aforesaid, That it shall be lawful to, and for any person or persons, to erect and build, any wooden building or buildings, on such new made ground, if, previous to the erection of the same, such person or persons apply to the corporation of the city of New-York, who shall appoint five disinterested capable persons, to view such new made ground, who shall be duly sworn, well and truly to examine and determine the matter, and if the said five persons, or the major part of them, shall be of opinion that no sufficient foundation can be laid in such place, to bear a building of stone or brick, they shall make a certificate to that purpose, under their respective hands and seals, which certificate, shall without delay, be delivered to the clerk of the said city, and be filed in his office, and shall be, and hereby is declared to be good evidence of such insufficiency, on any trial, upon prosecution for erecting such building, contrary to this act.

Provided always, and be it further enacted by the authority aforesaid, That all roofs, coverings of steeples, cupolas, and spires of churches, and other public buildings, may be made of boards and shingles, any thing in this act to the contrary hereof, notwithstanding.

A. D. 1791.
Ind. U. S. XV.

Any building heretofore erected may be new roofed with boards or shingles.

Recital.

Wooden buildings may be erected on new made ground.

Churches and other public buildings may be covered with boards or shingles.

CHAP. XLVII.

An ACT for the Relief of Morris Graham, Charles Graham, and Hugh Rea.

Passed the 24th of March, 1791.

WHEREAS Morris Graham, Charles Graham, and Hugh Rea, together with sundry of their creditors, have presented a petition to the Legislature, stating that the said Morris Graham and Charles Graham were joint partners in trade, before the late war, under the style and firm of Morris and Charles Graham, and that the said Morris Graham and Hugh Rea were also joint partners in trade, before the late war under the style and firm of Graham and Rea, and that the said Morris Graham, Charles Graham and Hugh Rea by a series of misfortunes had become insolvent; and likewise stating that some of their creditors had proved insolvent, and that in consequence thereof their estates are vested in assignees or trustees, and praying that the Legislature would enable the said assignees or trustees, to concur, if they should think fit, with the other creditors of the said Morris Graham, Charles Graham and Hugh Rea, in obtaining for the said Morris Graham, Charles Graham and Hugh Rea, the relief granted by the act, entitled, "An act for giving relief in cases of insolvency." Therefore,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful for such persons respectively, in whom the estates of such of the creditors of the said Morris Graham and Charles Graham jointly, as partners in trade, under the style and firm of Morris and Charles Graham, or of the said Morris Graham and Hugh Rea jointly, as partners in trade, under the style and firm of Graham and Rea, or of the said Morris Graham, Charles Graham, and Hugh Rea separately as aforesaid, as have proved insolvent, are vested in due form of law, either as assignees or trustees or otherwise to become petitioners if they shall think fit, for the said Morris Graham and Charles Graham jointly, as partners in trade, under the said style and firm of Morris and Charles Graham, or for the said Morris Graham and Hugh Rea jointly, as partners in trade, under the said style and firm of Graham and Rea, or for the said Morris Graham, Charles Graham and Hugh Rea, separately, as aforesaid, for and on account of the debts bona-fide due and owing to the respective estates, vested as aforesaid in the said assignees or trustees respectively; and thereupon to do and perform every act, matter and thing which shall be proper and necessary to enable the said Morris Graham, Charles Graham and Hugh Rea, both jointly and separately, as aforesaid, to obtain the relief granted by the aforesaid act, entitled, "An act for giving relief in cases of insolvency."

And be it further enacted by the authority aforesaid, That it shall be, and hereby is declared to be necessary for the assignees or trustees above named, who shall become petitioners for the said Morris Graham, Charles Graham and Hugh Rea, as aforesaid, to deliver unto the chancellor, justice or court, mentioned in the aforesaid act, entitled, "An act for giving relief in

Reciting that Charles and Morris Graham and Hugh Rea, insolvent debtors, together with several of their creditors had prayed for the benefit of the insolvent act.

Benefit of said act granted them, and the mode of obtaining it pointed out.

Authenticated accounts of their debts to be delivered to the chancellor, justice, or court mentioned in said act.

A. D. 1791.
Ind. U. S. XV.

Proviso.

A certain affidavit
to be annexed to the
petition to be present-
ed to said chancellor,
justice or court.

cases of insolvency," the original accounts, or authenticated copies thereof: and the original specialties, if any, whereupon the debts for which they shall respectively become petitioners as aforesaid, have arisen.

Provided always nevertheless, That the several assignees or trustees, hereby authorized to become petitioners for the said Morris Graham, Charles Graham and Hugh Rea, as aforesaid, to annex to the petition to be presented to the said chancellor, justice or court, an affidavit of each petitioning assignee or trustee, made before the said chancellor, justice or judge, that the sum annexed to the name of such petitioning assignee or trustee, is as the deponent verily believes, justly due to the estate vested in him as assignee, or trustee, or as one of the assignees or trustees; and that neither he the deponent, nor any other person to the use of him the deponent, or to the use of the estate vested in him as aforesaid, to the deponents knowledge or belief hath received from the said Morris Graham, Charles Graham and Hugh Rea, or any or either of them, or any other person any payment of part of the sum aforesaid, in money or by sale, conveyance, assignment or delivery of any lands, tenements hereditaments, goods chattels or any thing or things in action, or any gift or reward whatsoever, upon any express, secret or implied contract, promise or engagement, intent, trust or confidence, that he should become a petitioner for and in behalf of the said Morris Graham, Charles Graham and Hugh Rea, or either of them, any law, usage or custom to the contrary thereof in any wise notwithstanding.

C H A P. XLVIII.

An ACT for erecting a Building for the preservation of the Records and Public Papers of this State.
Passed the 24th of March, 1791.

Preamble.

WHEREAS the records and public papers belonging to this State are in their present place of keeping, in great danger of being destroyed by fire, or otherwise lost. There-
fore,

Persons herein nam-
ed to erect a build-
ing for a secretary's
office.

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That Alexander Macomb, John Pintard and Lewis Allaire Scott, be and hereby are authorized to erect on the lot where the Secretary of the State now resides, a building of such construction as to be proof against fire, to be appropriated for the purpose of the preservation and safe keeping the records of this State, and for transacting the business of the office of the said Secretary.

Proviso.

Provided the expence of erecting such building shall not exceed the sum of three hundred and seventy-five pounds.

Treasurer to pay to
said persons 375l.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the Treasurer of this State to pay to the persons in this act named, the said sum of three hundred and seventy-five pounds, for the purpose above mentioned, out of any money in the treasury not otherwise appropriated.

C H A P. XLIX.

An ACT directing the Treasurer of this State, to subscribe to the Bank of the United States.
Passed the 24th of March, 1791.

Treasurer to sub-
scribe 190 shares to
the bank of the Uni-
ted States, and to pay
the amount of such
subscriptions.

BE it enacted by the people of the State of New-York represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall be lawful for the treasurer of this State for the time being, and he is hereby directed, as soon as convenient-ly may be, to subscribe in his own name, as treasurer of this State, one hundred and ninety shares, to the Bank of the United States, and to pay such sum as may be necessary to be paid in specie, on such subscription, out of any money which now is, or hereafter may be in the treasury, not otherwise appropriated, and to pay such part of the said subscription, as is to be paid in stock of the United States, bearing an interest of six per cent. out of the stock he shall receive, by virtue of the act, entitled, "An act for the relief of the creditors of this State."

Treasurer to vote
for directors of said
bank, receive the divi-
dend, &c.

And be it further enacted by the authority aforesaid, That the treasurer of this State for the time being, shall from time to time, vote for Directors of the said Bank, and manage, do, and transact all matters and things in respect to the said shares, in the same manner, as any other stockholders in the said Bank may do by law; And shall also, from time to time receive all dividends on the said shares, for the use of this State.

C H A P. L.

An ACT to regulate Waggon, in the County of Suffolk,
Passed the 24th of March, 1791.

Waggon used by
the inhabitants of Suf-
folk county to be of a
certain width.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That all waggons which shall be used, after the first day of March next, on the highways in Suffolk county by the inhabitants there-
of, shall be so constructed, that the space between the ruts or tracks, which shall be made by

such waggon wheels, shall be from the outer edge of one rut or tract, to the outer edge of the other rut or tract, five feet two inches, and not more nor less, under the penalty of forty shillings for every offence: And if any person or persons, being an inhabitant or inhabitants of the said county, shall use on the highway, after the said first day of March next, any waggon, contrary to the true intent and meaning of this act, such person or persons, for every offence, shall forfeit, and be subject to the said penalty of forty shillings, to be recovered with costs of suit, before any justice of the peace, in an action of debt, by any one or more of the commissioners of the highways of the town where the offence may be committed, the one half of the said penalty to his or their own use, and the other half for the use of the town, to be applied by the said commissioner in repairing the roads in their respective towns.

A. D. 1791.
Ind. U. S. XV.
And any inhabitant using a waggon contrary to the intent of this act, to forfeit 40s. to be recovered with costs of suit, &c.

CHAP. LI.

An ACT for the Relief of Cornelius Oakley, and others.

Passed the 24th of March, 1791.

Preamble.

WHEREAS it appears that Isaac Oakley, late of the county of Westchester, did, on the eleventh day of November, in the year one thousand seven hundred and eighty-four, pay to the treasurer of this State, in discharge of a bond given by him to Frederick Philipse, a greater sum in public securities, than what was due on the same: And it also appears that Henry Lambert, of the said county, did pay to the said treasurer, a sum in the said securities on a bond, supposed to have been executed by him, to the said Frederick Philipse, but which has since been discovered was given to the late Charles Williams; and as it is proper that provision should be made for repaying to the said persons, or their respective legal representatives, the sums before mentioned: Therefore,

Be it enacted by the people of the State of New-York represented in Senate and Assembly and it is hereby enacted by the authority of the same, That it shall be lawful for the treasurer of this State, and he is hereby directed to deliver to Cornelius Oakley, executor of the last will and testament of the said Isaac Oakley, the certificates, which the said Isaac Oakley paid into the treasury as aforesaid, amounting to the sum of one hundred and fifty-three pounds, fourteen shillings and five-pence, or in certificates of the like kind, amounting to the said sum, with interest at the rate of five per cent. per annum, from the eighteenth day of November, in the year one thousand seven hundred and eighty-nine, until paid.

Treasurer to deliver certain certificates to Cornelius Oakley, executor to Isaac Oakley.

And be it further enacted by the authority aforesaid, That it shall be lawful for the said treasurer, and he is hereby directed to deliver to the said Henry Lambert, the certificates which he paid into the treasury as aforesaid, amounting to seventy pounds ten shillings, or in certificates of the like kind, amounting to seventy pounds ten shillings, with interest at five per cent. per annum, from the twenty-first day of October, in the year one thousand seven hundred and eighty-five.

Treasurer to pay Henry Lambert certain certificates.

And be it further enacted by the authority aforesaid, That the attorney-general of this State be, and he is hereby directed to defend the suit now pending against Catharine Van Allen, executrix of John Van Allen, deceased, for the moiety of a sloop, sold by the commissioners of sequestration of the county of Albany, as the property of Melcher Hoffnagel, and in case of a recovery against the said Catharine, the treasurer is hereby authorized to pay the amount of the same, upon the attorney-general certifying the exact sum so recovered, and such release or indemnification being previously obtained in writing, as the attorney-general shall approve of.

Attorney-general to defend a certain suit pending against Catharine Van Allen, executrix of John Van Allen.

And in case of a recovery against the said Catharine, treasurer to pay the amount.

CHAP. LII.

An ACT to alter the time of Meeting of the Committee for Canvassing the Votes for Representatives of this State, in the Congress of the United States.

Passed the 24th of March, 1791.

BE it enacted by the people of the State of New-York represented in Senate and Assembly and it is hereby enacted by the authority of the same, That the committee appointed, or who shall at any time hereafter be appointed, to canvass the votes for Representative or Representatives of this State, in the Congress of the United States, shall meet on the Tuesday next, before the last Tuesday of May in every year, except as hereafter enacted, any thing in the act, entitled, "An act directing the times, places and manner of electing Representatives in this State, for the Congress of the United States of America," to the contrary, notwithstanding.

Time for the meeting of the committee for canvassing ballots, for Representatives in Congress, altered.

And be it further enacted by the authority aforesaid, That the committee appointed in the present year, for the purpose of canvassing the votes for Representative to Congress, shall meet on the same day, that they are directed by law, to meet and canvass the votes for Governor, Lieutenant-Governor, and Senators.

Except in the present year.

CHAP. LIII.

An ACT concerning Roads and Inland Navigation, and for other purposes.

Passed the 24th of March, 1791.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful, for the commissioners of the land-office, to agree or contract, with such person or persons as shall

Commissioners of the land-office to contract for making a road from the west branch of Delaware, to Poohkataghan.

A. D. 1791.
Ind. U. S. XV.

And to draw from the treasury, for the purpose of making said road, 400l.

And all surplus money remaining in their hands, which were granted for another road, to be applied to the above road.

Commissioners of the land-office to cause certain parts of the state to be explored & to make an estimate of the probable expence of making canals in said parts of the state.

Second section of an act relative to repairing highways, passed the 20th April, 1787, extended to Ulster county.

Arrears of quit rent unpaid after the first of May, 1791, how to be paid.

Commutation for quit rents, how to be paid.

Fifth section of a former act relative to quit rents repealed.

Treasurer to pay a certain bounty on mulberry trees raised within this State.

judge proper, for exploring, laying out, and opening a road, to begin on any part of the west branch of the Delaware, at or about Walton, to extend eastwardly, to Paghkataghean, with such variation, and in such direction, as the said commissioners shall judge most eligible and conducive to the interest of the State.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said commissioners from time to time, to draw from the treasury, by warrant from his excellency the Governor, for the purpose of defraying the expences of exploring, laying out, and opening said road, such sums of money, as they shall judge necessary, not exceeding the sum of four hundred pounds; and that all such surplus money, as shall remain in the hands of the commissioners, of the monies heretofore granted, for laying out the road, beginning on the road, that leads from Kingston to Peen Pack, and extending westward, as far, and in such direction, as the said commissioners should judge most conducive to the interest of the State, shall be applied by them in improving the road from Paghkataghean to Great Shandaken.

And be it further enacted by the authority aforesaid, That the commissioners of the land-office be, and they hereby are authorized, to cause to be explored, and the necessary survey made of the ground, situate between the Mohawk River, at or near Fort-Stanwix and the Wood Creek in the county of Herkemer, and also between the Hudson River and the Wood-Creek, in the county of Washington; and to cause an estimate to be made of the probable expence that will attend the making canals sufficient for loaded boats to pass, and report the same to the Legislature at their next meeting: And the treasurer of the State is hereby authorized to pay unto the said commissioners, such sum or sums of money, as shall be necessary to defray the expence thereof, not exceeding in the whole, the sum of one hundred pounds.

And be it further enacted by the authority aforesaid, That the second section of an act, entitled, "An act to amend an act, entitled, "An act for the better laying out, regulating and keeping in repair, all common and public highways," passed the twentieth of April, one thousand seven hundred and eighty-seven, be, and the same is hereby extended to the county of Ulster (except as to low lands on the Esopus Kill) any thing in any law of this State, to the contrary notwithstanding.

C H A P. LIV.

An ACT concerning the Collection and Commutation of Quit Rents, and for other purposes. Passed the 24th of March, 1791.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That all arrears of quit rents which shall be due and unpaid at any time after the first day of May next, and before the first day of May which will be in the year one thousand seven hundred and ninety-three, and which were heretofore receivable in certificates issued by the treasurer or auditor of this State, or by the auditors appointed to liquidate and settle the depreciation of the pay of the line of the troops of this State, in the service of the United States, shall after the first day of May next, be receivable in any stock created under the authority of the United States. And after the time last above mentioned, all arrears which shall become due, shall be only receivable in gold or silver, or bills of credit emitted in pursuance of the laws of this State.

And be it further enacted by the authority aforesaid, That all persons from whom quit rents may be due after the passing of this act, shall be at liberty to commute for the same, by paying at the rate of fourteen shillings for every shilling which shall annually become due, for such quit rent, and every such payment shall be considered as a discharge of the quit rent arising from the land for which it shall be paid, and within the times herein before limited, for making the arrears of quit rents receivable in stock created under the authority of the United States, the said commutation shall be receivable in the said stock, but after the said time herein before limited the said commutation shall be paid in gold or silver only, or the bills of credit emitted by the laws of this State. *Provided nevertheless,* That this act shall not extend to any person or persons not being citizens of this State, or of any of the United States.

And be it further enacted by the authority aforesaid, That the fifth section of the act, entitled, "An act to amend an act, entitled "An act for the collection and commutation of quit rents," passed the 11th day of April, 1787, shall be, and the same is hereby repealed.

And be it further enacted by the authority aforesaid, That the treasurer of the State shall, and he is hereby directed to pay to any person being a citizen of this State who shall produce to him a certificate under the hand and seal of the judge of the court of common pleas, of the county where such person may reside, certifying that he or she has growing on his or her farm, fifty white mulberry trees, which trees have been planted three years, and at least twenty feet distant from each other, the sum of six shillings; and the like sum for every fifty trees which he or she shall have planted, in manner aforesaid, until the whole number amounts to two hundred.

21 JY 60

END OF THE FOURTEENTH SESSION.

TABLE OF CONTENTS.

1. AN act further to continue the treasurer of this State in office.	Page 3.
2. An act to repeal the act therein mentioned.	<i>ibid.</i>
3. An act to allow Lewis M'Donald to return to and remain within this State.	4.
4. An act for apportioning the representation in the Legislature, according to the rule prescribed by the constitution, and for dividing the county of Albany.	<i>ibid.</i>
5. An act to amend an act, entitled, "An act for regulating elections."	5.
6. An act to abolish the January term of the courts of common pleas and general sessions of the peace, in and for Richmond county.	<i>ibid.</i>
7. An act to amend an act, entitled, "An act for the partition of lands."	6.
8. An act to repeal the act, entitled, "An act for regulating sales on execution, so far as respects goods and chattles, and providing for the payment of advertisements on sales of real estates."	<i>ibid.</i>
9. An act for the preservation of heath-hens and other game.	<i>ibid.</i>
10. An act for dividing the county of Montgomery.	7.
11. An act for the relief of Henry G. Livingston, and others.	9.
12. An act to explain and amend an act, entitled, "An act for the more speedy recovery of debts to the value of ten pounds."	10.
13. An act for the relief of the Indians residing in Brothertown and New-Stockbridge.	<i>ibid.</i>
14. An act to enable the mayor, aldermen and commonalty of the city of Albany, to raise a sum of money for the establishment and support of a night-watch.	11.
15. An act to annex the town of Morristania to the town of Westchester.	<i>ibid.</i>
16. An act for the relief of the creditors of this State.	<i>ibid.</i>
17. An act to vest the real and personal estate of Benjamin French, late of the county of Albany, deceased, in trustees for the purposes therein mentioned.	12.
18. An act for altering the wards in the city of New-York.	13.
19. An act to empower the trustees of the reformed Dutch churches of Fishkill and Poughkeepsie, in the county of Dutchess, to sell a certain house and lot of land for the benefit of the said churches.	14.
20. An act for determining differences by arbitration.	<i>ibid.</i>
21. An act for the relief of the devisees of John Bradstreet and Martha Bradstreet.	15.
22. An act for the collection of the arrears of taxes.	<i>ibid.</i>
23. An act for the relief of William Johnston and others.	17.
24. An act for the relief of John Dauchstater and Mary his wife.	18.
25. An act for altering the times of holding the courts in the counties of Westchester, Columbia, and Clinton, and for reviving the mayor's court of the city of Hudson.	<i>ibid.</i>
26. An act for the relief of John Ten Broeck.	19.
27. An act to amend an act, entitled, "An act for the regulation of sales by Public Auction."	<i>ibid.</i>
28. An act to prevent obstructions to docks and wharves in the city of New-York.	20.
29. An act, supplementary to the act, entitled, "An act for giving relief in cases of insolvency;" and the act, entitled, "An act for the relief of debtors with respect to the imprisonment of their persons."	<i>ibid.</i>
30. An act for building a court-house and gaol in King's county.	21.
31. An act for raising a further sum of money for compleating the court-house and gaol in the county of Albany.	<i>ibid.</i>
32. An act for vesting a certain tract of land in trustees for the benefit of Peter Otsequette.	22.
33. An act for dividing the towns therein mentioned.	<i>ibid.</i>
34. An act to enable the mayor, recorder and aldermen, of the city of New-York, to order the raising of monies by tax for the maintenance of the poor, and for defraying the other contingent expences arising in the city and county of New-York.	23.
35. An act for laying out and regulating certain roads over the Esopus low lands in the county of Ulster, and for ascertaining the lines between the towns of Goshen, Warwick, and Minisink, in the county of Orange.	24.
36. An act to divide the town of North-Castle, in the county of Westchester.	25.
37. An act to incorporate the stockholders of the bank of New-York.	<i>ibid.</i>
38. An act extending the law for the partition of lands, to the town of New-Paltz, in the county of Ulster.	27.
39. An act to restrain the immoderate use of spirituous liquors in the gaols of the cities and counties of New-York and Albany.	<i>ibid.</i>
40. An act for the direction of the loan-officers, and for the apportionment of losses on the monies loaned by the people of this State, in the late counties of Albany and Montgomery.	28.

41. An act for building a school-house and maintaining a school in the town of Clermont.
42. An act to amend an act, entitled, "An act for the sale and disposition of lands belonging to the people of this State, and for other purposes therein mentioned."
43. An act to enable Francois Christophe Mantely and the several other persons therein named, to purchase and hold real estates within this State.
44. An act for the payment of the salaries of the officers of government, and other contingent charges.
45. An act to enable the Regents of the University to establish a college of physicians and surgeons within this State.
46. An act for the more effectual prevention of fires, and to regulate certain buildings in the city of New-York.
47. An act for the relief of Morris Graham, Charles Graham, and Hugh Rea.
48. An act for erecting a building for the preservation of the records and public papers of this State.
49. An act directing the treasurer of this State to subscribe to the Bank of the United States.
50. An act to regulate waggons in the county of Suffolk.
51. An act for the relief of Cornelius Oakley, and others.
52. An act to alter the time of meeting of the committee for canvassing the votes for Representatives of this State, in the Congress of the United States.
53. An act concerning roads and inland navigation, and for other purposes.
54. An act concerning the collection and commutation of quit rents, and for other purposes.

Page 29.

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